INTERESTING TRACTS,

RELATING TO THE O'CHIN MILLIAM

ISLAND OF JAMAICA,

CONSISTING OF

CURIOUS STATE-PAPERS, COUNCILS OF WAR, LETTERS, PETITIONS, NARRATIVES, &c. &c. WHICH THROW GREAT LIGHT ON THE HISTORY OF THAT ISLAND, FROM ITS CONQUEST, DOWN TO THE YEAR 1702.

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SECTION STREET

MARION AND OF THE COURSE



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STICITATE . CALL ON THE SOLE STANDARD OF THE STANDARD STANDA

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2

INTERESTING

INTERESTING TRACTS,

RELATING TO THE

ISLAND OF JAMAICA.

A PROCLAMATION OF THE PROTECTOR, RELATING TO JAMAICA.

WHEREAS, by the good providence of God, our fleet, in their late expedition into America, have possessed themselves of a certain fland called Jamaica, spacious in its extent, commodious in its harbours and rivers within itself, healthful by its situation, fertile in the nature of the foil, well flored with horses and other cattle, and generally fit and worthy to be planted and improved, to the advantage, honour, and in-

And whereas divers perfons, merchants, and others, heretofore conversant in plantations, and the trade of the like nature, are definous to undertake and proceed upon plantations and settlements upon that island.

inclined, have, by the advice of our council, taken care, not only for the strengthening and securing of that island from all enemies, but for the constituting and settling of a civil government, by such good have and customs as are and have been exercised in colonies and places of We, therefore, for the better encouragement of all fuch perfons, fo

the like nature, have appointed furveyors and other public officers, for the more equal distribution of public right and justice in the faid island. And, for the further encouragement to the industry and good affection of fuch perfons, we have provided and given orders to the commissioners exempt and free from paying any excife, or cuffom, for any manufactures, provisions, or any other goods or necessaries, which he or they shall transfort to the said island of Jamaica, within the space of seven years to of our customs, that every planter or adventurer to that island shall be come from Michaelmas next.

of that island, provided that no customs, or other tax, or impost, be laid or charged upon any commodity, which shall be the produce and native growth of that island, and shall be imported into any of the dominions belonging to this commonwealth: which favour and exemption shall conmiffioners, that fuch goods shall be delivered at Jamaica only. And we have also, out of our special confideration of the welfare and prosperity And also that sufficient caution and security be given by the faid comtinue for the space of ten years, to begin and be accounted from Michael-We have also given our special orders and directions, that no embargo or other hindrance, upon any pretence whatfoever, be laid paffengers or adventurers, shall appear to be engaged and bound for the faid island. other upon any ships, feamen, or mas next.

whatfoever other favour, or immunity, or protection, shall or may conduce to the welfare, strength, and improvement, of the faid island, shall from time to time be continued and applied thereunto. Given under our And we do hereby further declare, for ourfelves and fucceflors, that

A LETTER

A LETTER FROM CHRISTOPHER COLUMBUS, IN JAMAICA,

TO THE KING OF SPAIN.

Jamaica, 1503.

SIR

illustrious mistrefs Donna Isabella, know that I am the most miserable man living, and that my zeal for their fervice and interest hath brought me to would punish as criminal those undertakings and discoveries, that former ages would have acknowledged as great and meritorious. Good heaven! miferies are accompanied with fo many aggravating circumfiances that render me the most wretched object of misfortune this world shall ever and you holy faints that dwell in it, let the king Don Fernando, and my or avarice itself covet. But neither he, this paper, nor the tongue of are run ashore and lashed together; those of my men that were well have mutinied under the Porras' of Sevilla; my friends that were faithful are moftly fick and dying; we have confumed the Indian's provifions, fo they do abandon us; all therefore are like to perifh by hunger, and thefe be a Cattile and Leon, but a difcovery of a world of fubjects, lands, and mortal man, can express the anguish and afflictions of my mind and body, nor the mifery of my fon, brother, and friends; for here already we have been above ten months lodged upon the open decks of our thips, that ciful to me as to conduct Mendez to Spain, I doubt not but he will make IEGO MENDEZ, and the papers I fend by him, will shew your highness what rich mines of gold I have discovered at Veragua, and how I intended to have left my brother at River Belen, if the judgments and advantage of all, and that the full discovery and settlement are referved for happier perfons than the unfortunate Columbus. If God be fo meryour highness and my great mistress understand that this will not only wealth, greater than man's unbounded fancy could ever comprehend, of heaven and the greatest missortunes in the world had not prevented it. However, it is fufficient your highness and successors will have the glory fee, as if the difpleafure of heaven feconded the envy of Spain,

A 2

is nation. It is visible enough how all methods are made use of to cut the thread which is breaking, for I am in my old age, and loaded with unsupportable pains of the gout, and am now languishing and expiring with that and other infirmities among savages, where I have neither medicines nor provisions for the body, priest nor facraments for the soul: My men mutinying, my brother, my fon, and those that are faithful, fick, starving, and dying. The Indianshave abandoned us; and the governor of gold, and fent us for Spain in chains, without hearing, trial, crime, or sha-dow of one! These chains are all the treasures I have, and shall be buried with me, if I chance to have a coffin or a grave; for I would have the remembrance of fo unjust and tragic an act die with me, and, for the with horror apprehend, (and for my fake,) those unfortunate and deserving people's destruction. Alas! piety and justice have retired to their and conducted me to it, do you therefore weep for me, and shew pity; let the earth, and every foul in it that loves justice or mercy, weep for it; for it is impossible to live and have afflictions equal to mine. I fee. and habitations above, and it is a crime to have done or performed too much, as my mifery makes my life a burthen to myfelf, to I fear the empty St. Domingo, Abando, has fent rather to fee if I am dead, than to succourus, or carry me alive hence, for his boat neither delivered a letter nor spoke, bere my voyage and life shall end. O blessed mother of God, that compassionateth the miserable and oppressed, why did not cruel Bonadilla kill me, when he robbed me and my brother of our dear purchased ed virgin!) Obando had not then forced us to be dying ten or twelve bring a further infamy on the Castilian name, nor let ages to come know, there were wretches so vile in this, that thought to recommend them-Christopher Columbus, not for his crimes, but for his fervices in discovering and giving Spain a new world. It was you, O heaven! that inspired me. And you, O glorified faints of God, that know my innocency and fee my fufferings, have mercy. If this prefent age is too envious or titles of perpetual viceroy and admiral render me obnoxious to the Span-Had it been fo (O bleif. months, and to perith per malice as great as our misfortunes. O let it not selves to Don Fernando, by deftroying the unfortunate and miferable obdurate to weep for me, furely those that are to be born will do it, when of his own and brother's lives, with little or no expence to the crown of Spain, they are told Christopher Columbus, with his own fortune, at the hazard in twelve years, and four voyages, rendered greater fervices than ever morglory of the Spanish name, be eternally forgot.

charged with the least crime) poor and miserable, all but his chains being taken from him, so that he who gave Spain another world, had neither init a cottage for himself nor wretched family. But should heaven still persecute me, and seem displeased with what I have done, as if the discovery of this world may be fatal to the old, and as a punishment bring my life in to revenge and rapine, fo that the nation may chance to fuffer hereafter. provoke heaven, and the wealth I have discovered will flir up all mankind this miferable place to its fatal period; yet do you, O good angels! (you that fuccour the opprefied and innocent,) bring this paper to my great mistres. She knows how much I have done, and will believe what I suffer fubfift on alms. She, (if the lives) will confider crucky and ingratitude will for her glory and fervice, and will be fo just and pious as not to let the fons and brothers of him, that has brought to Spain fuch immense riches, added to it vaft and unknown kingdoms and empires, want bread or for what envious, malicious, and ungrateful, people do now.

A NAR.

A NARRATIVE, BY GENERAL VENABLES,

SIH 1 C

EXPEDITION TO THE ISLAND OF JAMAICA,

AND THE CONQUEST THEREOF,

UNDER THE PROTECTORSHIP OF OLIVER CROMWELL,

IT being the ufual course of fuch persons, whose pikes prove too short, to make use of their pens to supply that desect, and by that means hand, I should have waved any thing in this nature, and wholly cast may reputation, in the managing of this western design, upon the opinion of those that have formerly been acquainted both with my person and former services; but there being so many thousands who never knew me, nor them, I find myfelf necessitated to publish to the world, a true narrative of the design, lest otherwise, (if I be filent,) some envious persons should take the liberty to censure me, as their own misguided fanendeavour to clear themselves from envy and reproach, their disasters might draw upon them, which is ordinarily meafured to them with a large cies and humours, or the flanderous reports of envious tongues shall dic-

The fad and never fufficiently to be lamented differences, which have fome few years past fallen out in these nations, and being so general, that almost every man was in action, or affection, engaged in them, upon one year, with the money to raife arms, and to maintain a company of foot in that fervice, which I did, and ferved with the fame in Lancathire, with-Among others myfelf, (as confcience and judgment guided me,) adhered to the parliament, upon fuch grounds, reafons, and engagements, as were held forth by them, (though fruitlefs of my hopes in the end,) which cause I promoted to my utmost ability against all discouragements, and, to enable me the better, I fold a tenement of about forty pounds a My fervice in England I shall not mention, but leave to others to speak of both in Lancashire, Cheshire, Yorkshire, Sallop, and North Wales, in the siege of Nantwick, fight at Leckbridge, Christleton, part or other. out any pay.

granted, I proceeded and Montgomery, befides other fervices of lefs importance. The war in England being ended, I was engaged in the Irith fervice, and landed at Dublin, (it being befieged,) first of any regiment, in fuch a time when they despaired of any relief, and the soldiers running away to the enemy into the parliament's hands whatever the Scots had in possession, and for the Scots one hundred and fifty thouland pounds; and as one of the commissioners, fir Robert King, told me, they had commission to give two hundred thousand pounds, if it would be accepted. In Carling Fort, war being ended,) the right honourable the lord Broughill and myfelf were, at a general council of the officers, voted to attend his highnefs with fome addresses from the army, in order to the fettling and planting of and pounds from the state, to carry on that service, the Lord had given furrender of which, the parliament did, by their commissioners, offer to Newry, Belfaft, Lyfnegarive, Antrim, Toom, and Carrickfergus, were above eighty pieces of ordnance, and near half of them brafs; eighty barrels of powder, with match and ball proportionable; with about two hundred arms; for all which fervice, I never received further reward, put a flop to this, and put life into the foldiers, who otherwife out of mere despair of relief would have revolted. After the taking of Drogheda, (other regiments as I had hundreds, to oppose me; where how the Lord profpered me, is publickly known. So that before I had received two thouthe justice of it, which I defired to be cleared to me before I accepted of defired his highness to grant me fome requests before I could accept of this employment. His highness commanded me to draw them up in writing, and to deliver them to Mr. Secretary Thurloc, who should give noe an answer to them, which accordingly I did. These being granted, I by hundreds, so that they were almost come to anecessity to treat of a surrender thereby, to fave fomething, all otherwise being certainly lost. My arrival officers refufing the employment,) I was fent into Uliter with one thoufand five hundred horfe and foot only, there being in that province above fo many had continued in Irelandalmost five years, and never feen home, (the Irish Ireland, which bufinefs being almost perfected, it was his highness's pleafure to acquaint me, that he intended fome other employment for me. I defired to know it. After fome time, the defign was imparted to me, and it, in which particular being fatisfied by this dilemna, that either there they had violated it, and to feek reparation was just. It we had no peace, then was there nothing acted against articles with Spain. After this, than a letter of thanks for the fame, from the council of state. was a peace with the Spaniards in the Wett-Indies or not?

there, and fome in lifting of officers now acting; when fuddenly all the business was at a stand, and all further proceedings in it to be waved, so that unless my proposals were granted, nor leave my children without any care of them, except I should fall under the apostle's censure—He that provideth not for them of his family has denied the faith, and is norfe than dertake the employment. I answered, I could not in conscience engage, proceeded to propound land in Ireland, for my arrears due for my fervice thought all had been ended, and betook me again to my own affairs. After fome five months filence, I was fuddenly again called upon to un-

midable to me than my enemies, by bounding and streightening me with commissions and instructions which, at that distance, could serve but as I defired to know the grounds and reasons of the defign, that I might tion, and all other necessaries, by a particular under my hand, suitable to the defign, and the diffance of the place, fupplies; not being to be had, and, therefore, must carry the more with us, left, when we come to work, we couragements, without fear to engage against all hazards, which, by in-fructions, might be double to what the enemy could make them. I had tents in the fleet, and complaints were faid to be against the unfoundness of the provision; about which, I being spoken unto by the officers, that the care of the food belonged to me, I defired the person that informed told me, I fought to hinder the defign, and raifed an untrue report: I replied I did not, and that I had only fent the informer privately to acquaint could not be guilty of any mifcarriage to the prejudice of the defign being; I meddled not in any report, but willed Buller to inform him what he had told me, and therefore did wonder why he should thue publickly reprehend should be forced to stand still, through want of necessaries to carry on the fetters, contingencies not being possible to be forefeen, and I by them difcouraged, and put into doubt, when I should need the greatest ena fatisfactory anfwer to all, but how performed shall be afterwards dehim with thefe things, in regard he had the care of the fleet, to fee it well furnished with all things, and that I had the information from colonel Bulthe better understand the state of those parts, I defired arms, ammuni-I further moved, that my friends should not be made more for-Whish these things were in transaction there were some disconme, to acquaint general Defbrow with it, which he did, and general Defler, and had not spoke of it to any, fave the commissioners, and therefore brow was so incenfed against me, that he publickly fell out with me,

reprehend me to no end, fave to make a breach betwixt the land and fea-men. He answered, he had for twelve years seen transactions of affairs, . I replied, the end he aimed at I knew not, but was certain his language would produce no good to the fore would receive no complaints against the victuallers of the navy, but with reproach and passion against the informer; his own interest (though private and not generally known) engaging him in their behalf, it being his own concern, as well as theirs. After this, myself and officers made I afterwards enquiring of a friend the reafon. I was anfwered, no information against the victuallers of the navy would be heard frong prefumptions, he had a share in the profit of the place, and thereand expence of our money, we had not any positive answer, whether the with much circumfpection and prudence. After about five months time, I was commanded to be ready to go with fo much hafte, having wholly laid all conceit of the defign afide, that I was fo furprifed with confusion in my thoughts, I had scarce time to know in what condition the state of things were before our men were drawn out. I defired we might only have fuch as freely offered themfelves, which was promifed us; yet the officers generally gave us the most abject of their companies, and, if any man offered himfelf, he was struck or otherwise punished; and one thing I the men thus given wanted five hundred of the number defigned, and almost half their arms defective, and altogether unferviceable; which bethough general Defbrow was no victualler, yet it was believed, upon very feveral proposals to the lords of the council, for the advantageous carrying on of the fervice, as we conceived, wherein we were fo modeft in matwe chiefly did propound to ourfelves. But, after four months attendance us out of the lower regiment; many more were found fince, though all we could difcover were cashiered at Barbadoes; and though it was earnessly moved by me that we might have the men raised out of the Irish It was answered, ters of our own concernments, that never men did undertake fo hard and desperate a work upon so mean and low conditions; to let the world know it was the promotion of the gofpel and the fervice of our country by the enemy had timely warning to provide; which we find they did cannot omit, that those men we had were taken up purposely to spare their old blades, and among those thus entertained were diverse papifts, in defign would go onorno, and yet the defign was vulgarly difcourfed; whereparticular fixteen, and four of them Irith, and one a prieft, were put upon with any other acceptance. I alked the reafon of that. and had an end, wherefore he defign but hurt.

were; but the officers and myfelf were threatened to be imprifoned if ing related to the council, we were not permitted to flay for arms, much they stayed in the city till next day; whereby some were constrained to leave their necessaries behind them, which they could never procure to be brought to them; all being denied carriages, which are allowed all other officers in the three nations. I then moved, that we might have a general mufter, that I might see the officers and soldiers together, the better to judge of their fitness and abilities; and was promised it should be at tide, and boats, would ferve us; and, when I earneftly moved to have our flore ships with us, I was promifed they should meet us at Portsmouth, defign was alledged to be for the propagation of the gofpel, a number of lefs, which I earneftly pressed, to exercise the men and try what they Portimouth; but, before I could come thither, fome were shipped and sent away, and all were reproached for not shipping faster than wind, and and there I was told they would be with us before we left Barbadoes. In language by fome; as, moving for targets, the country being woody (the want of which we found to our grief) we had a jeft told us, and then a denial. Inflead of miniflers to the fix regiments I preffed for, being the black coats were offered; I complaining of prophane perfons put upon me, it was answered, if they offended to cashier them, contrary to the old adage turpius ejicitur, &c. All these things might have discouraged me from going, had not my affections to the service of my country I, leaving a confiderable employment at home, as well as effate, fo that all my defires and propofals I was conftantly answered with fcoff or bad necessity did not force me upon the fervice. I was promifed ten months When we came to Barbadoes, being the twenty-ninth of Janufell next day to purfue our bufiness and instructions, but found transported me beyond my reason, and all the perfuasions of my friends. provisions for ten thousand men; but, instead of having it put on board with me, it was fent to London to the flore ships, for want of room, and yet the officers of the navy took in commodities to trade withall at Barthings fo contrary to expectation and promife, that myfelf writ the following letter to the protector: ary, we

May it pleafe your highnefs,

THE good hand of God going along with us, at fea preferving us from tempetis and difeases, not twenty that I can hear or dying in all the feet, the difficulties and wants we have met with in this place are fully repressed by the commissioners, that I should but trouble your highness fpent too much time, and fo do I; but when our wants are recounted, and the difficulties or rather impossibilities to supply ourselves here considered, it will appear to such as know this island we have not been It may be your highnefs thinks we have slow; neither will it be imputed as a fault to us, I hope, confidering our stores and other necessaries are all behind, which plead the more for us, and manifests our obedience to your highness's commands; yet nothing can discourage, save what does wholly disable us to profecute the same, Our fupplies and recruits, I am confident, need not be preffed upon your highnefs, they being so necessary, and the work so ferviceable to your highness, that I shall give you no other diversion, save conclude myself, &c. which I hope will appear by our fublequent actings. with mentioning of them.

A LETTER SENT THE LORD PRESIDENT. LAWRENCE, LORD LAMBERT, AND SEVERAL OTHERS OF THE COUNCIL OF STATE.

day we landed and fell about our work, but prefently of our own felves, and by friends privately, were affored (which fince we find true) that all the would not readily and cordially affift us. All the promifes made to us in England of men, provifions, and arms, we find to be but promifes, and do not know that we have raifed one thousand five hundred men, and not certainties than we yet discern, by any one particular, of all that was taken as most certain, the confidence of which did cause us, with great AFTER a most merciful and good hand of God towards us at fea, inhabitants were against our defign, as destructive to them, and that they fome Dutch veffels which we found here, which refufe to give us any invoice or bill of lading, they having almost fold all their goods, and anded them before we came; and the inhabitants will not discover to arms for three hundred of them. Mr. Neal's fifteen hundred arms are and his council had proceeded and grounded their refolves upon greater affurance, to rest satisfied with what was promised us we should find here; only the country has raised us fixty horse in a troop. We cannot expect We did not doubt but my lord to be relieved from hence with provisions, they buying all their own; and, not how we should have subsisted when gone hence. We have seized had we not found fome fent here by the victuallers of the navy, I the twenty-ninth last we came to anchor at Carlisle Bay. dwindled to one hundred and ninety.

not half of them armed, nay, in fome regiments, not above two hundred arms, the most unfit arms and unfit men generally given us, and here we are forced to make half pikes to arm them, which hath lost us so much Had we been armed in England, doubthunted tories with in Ireland, where we might have fupplies every day, much more to attempt one of the greatest princes in the world, within his most beloved country, where supplies cannot be had thousand one hundred and fixty-two pounds; and another veifel, with some affes, fold for about two thousand two hundred pounds, and twenty-If bread and meat be not conflantly fent us from England, we must want it; for cassava after it is planted (and we cannot plant it on, by all those persons that know America, that English powder will not keep above nine months, and at that time we must receive constant French and Spanish powder will keep many years, therefore I earnefily defire falt petre and all other materials, with men to make powcount from general Penn of what arms the ships can accommodate us with, which, as you may fee by the enclosed particular, will not amount to, in shot, above fifteen shot a man, a most inconsiderable proportion to above twice a year, and this island upon trial will not fit us with fo much; ever is not to be gotten here must be fent from England, or we must perish. We defired our men's arms might be changed, being extremely bad, and two fifths not to be made serviceable here. Of three thousand men for we have not hopes at any rate to procure one thousand fix hundred till June at foonest) will not be fit to eat for one year. It is agreed upder, may be fent to us; for the ingredients will keep uncompounded very cast in our way, and, now we have time to draw our men together, we find lefs we had been at work before this. I have just now received an aca fad matter that we must attempt so high with little or nothing, or return; to do which fome of us could more chearfully hear the news of death missioners will be more large, I believe, to his highness. Pray let not the whom they were fold; only fince we came, a Dutchman came in with two hundred and forty-four negroes, which we have fold for about five three not yet fold, which will much exceed all other feizures; but whatdefigned, we brought but two thouland five hundred, and of those not one thousand fix hundred well armed, so that our stores not coming as promifed, we are making half pikes here to arm the reft of those we raife, We have met with all the obstruction that men in this place can than be guilty of. I have given the best account I am able. time and will hazard our ruin.

eld proverb be verified in us, out of fight out of mind; if fo, you will quickly hear we are not in this world, &c.

Barbadoes, February

The fubstance also of this letter, with some particular instructions, was written to Mr. William Rowe and Martin Nowell, who were agents for me and the army at London.

I remembered exactly, one hundred and ninety-one, were, in the copy of us, and that we would put a check upon him; he told us, he had power of himfelf to commiffion him, refufed ours, and would not admit of a check, nor fuffer to fee original invoices; only one I faw, which was conit, made but one hundred and fifty. I urged the falfehood of the copy, and defired the original; at laft they brought in a hundred and eighty-one, and urged that the otherten were my mistake, but I had taken the number reft of the invoices, as I have ground to believe, were curtailed accordingly) will shew the feamen's proceedings. Mr. Winslow and myself confidered how to remedy this, but finding the feamen our enemies, and at least to scorn us and adhere to their general, and colonel Searle to comply with him, we were conftrained to be patient by force, and commit the thing to private remembrance, when time ferved to vindicate ourfelves, and Mr. Winflow faid he would certify fecretary Thurloe of it; which I believe he did. veffels, according to his highnefs inffructions. General Penn put his own Winflow and myfelf urged that he should not act but by commission from veyed away immediately, and the number of elephant's teeth in it, which into my memorial, and could not mistake it; however this one act (if the The first business we fell upon at Barbadoes was the feizing of all Dutch nephew, one Mr. Poole, to take the invoices and bills of lading.

FA COUNCIL OF WAR HELD AT THE INDIAN BRIDGE TOWN IN BARBADOES, MARCH 18, 1654, TO CONSIDER THE WANTS OF AT A COUNCIL THE ARMY.

General Venables,

Major General Heines, Colonel Fortefcue, Colonel Buller,

Colonel Morris, Culonel Carter, Colonel Doyley.

THAT it be proposed to general Penn and his officers, that as the land forces do promise never to defert the fleet, general Penn and his offi-RESOLVED,

cers do mutually engage with the land forces not to leave them until their fupplies come, which, if they should miscarry, then to transport them back again to England.

That it be proposed to the commissioners, that large proportions of shipping be provided to transport the army, left, by pettering the ships, infectious diseases should consume the forces, and so endanger if not overthrow the defign.

That foldier's wives, who offer to carry their own provisions, may be transported, to take care of the fick and wounded men.

That old linen be provided for the chirurgeons.

That we do not march hence under at leaft twenty ton of ball.

That we have ten ton of match before we march hence.

That, before we part hence, we have from the fleet two thousand firearms, fix hundred pikes, befides piftols, carbines, and two hundred half pikes, and that they be presently sent on shore.

we defired at the fame time copies of the invoices. After long delay, one was delivered, and immediately by Pool borrowed from Mr. Cary, and would never be redelivered till the day we left Barbadoes, were forced to But of this more hereafter, with Cary his teffimony concerning the fame. leave it with the commissioners for prize office there.

Our flores not coming, I fent to general Penn to know what arms, shot, and match, he could spare, (for general Desbrow had affured me and the officers in England that what was in the fleet was and should be for the carrying on the fervice and at the commiffioners difpofal, and that there was enough to ferve both us and the fleet, for fome good time). He returned me an account of fifteen flot a man was all he could fpare of his ball, and a few tons of match; but, though he had many hundred pikes in the fleet to spare, and lances to kill cows, which were for our ufe as well as the fleets, yet we could not get one pike or lance, only fome few half and quarter pikes; wherefore I was necessitated to fet all hands to work to make half pikes (the timber of that country not being fit for long ones,)

the officers that we were betrayed, and if it had been in the late king's reign he would have declared fo. Notwithflanding all these difficulties I continued sorward and chearful until fuch time I heard the seamen talk of der I know not) and that given them but four days in the week and the other three fifth days. The feamen had their victuals with brandy, and the ing along with us with a regiment of feamen, feeing our men's weaknefs, faid, that the fortnight's weakening at fea with bad provisions would not be recovered with two month's good diet at land; and, though the officers complained of their bad bread, it was answered the bread was bought by the reafons, cauled Mr. Winflow, one of the commiffioners, to fay to divers of tended to leave us (which was promifed in England they should not before the rear of this, was that, upon our coming from Barbadoes, the feamen all men's arms unfixed, our gunfmith's tools were in the flore ships, and were denied to be fent with us, fo that our want of smith's tools, and making of half pikes, hindered us from fixing our arms We were ordered to take up provisions going home, which raifed fome doubts among the officers that they inanother fleet came) and then we faw we muit perish. Another fell in landmen had only bread (and that most beastly rotten) and water, which that they were rejufed by the fleet in England, and therefore fent by the buy rather than starve, being our own stores came not to us, preferring bad food before none. We left Barbadoes the last of March, and by the way difpatched fome business at St. Christopher's, where we took in a regiment which were yet so bad that I suppose Tom Tinker, or Tom a Bedlam, in Upon our arrival there I found and the officers from exercifing their men, except a very little bethere, and charge bills of exchange at home, but I suppose it was known to others, though not to me, that no provisions were to be gotten there, for fo I found by experience, and the rates much higher than what they were in England, for what I bought myfelf; fo that thefe, with fome other had their allowance, and our landmen were reduced to half (by what orbrought them fo low that at landing they fell down, and fome of them into the water, as the rear-admiral observed; and the vice-admiral marchcommissioners at Barbadoes, and must be spent, which it might have been without prejudice, if delivered out for one day in the week to all feamen and landmen. And here I must query, whether the bad bread in the fleet was not given the landmen upon this pretence? It is true the provisions were bad, fo victuallers of the navy to Barbadoes to be fold; which we were forced to oot; and then when we came from St. Christopher's mustered on England marches with better weapons. fore we came from thence.

was a clause in the commissioners instructions from his highres, that they should dispose of all preys and booties got by sea or land towards the carrying on of the present service and design; which, when it came into agitation, I told the commissioners I conceived it was to be understood of ships and their lading, or of large quantities of treafure in towns or forts; for if, as they understood, it were to be intended of all forts of pillage, gust the army and turn them against me, and if I lost the officers affections I conceived it would utterly disable me to serve his highness; for this board, and, finding great want of arms, we once more defired a fupply from the fleet, who had above a thoufand two hundred pikes to fpare, and a large quantity of lances, but were refused by general Penn the loan of one pike or lance (though the lances were put on board for the army to kill cows,) fo that we were confirmed to ufe half pikes, thorter by two foot than the enemy's, which gave them great advantage against us. Our next business (which lasted long and was interwoven with other debates,) plunder (both which they had in England) to have neither pay nor plunble. The thing was propounded to the officers, and a tortnight's pay propounded to them in lieu of their pillage of Santa Domingo. The officers being in arrears, and many of them coming in hopes of pillage into a country where they conceived gold as plentiful as flones, demanded it was not possible to be put in execution; besides I did sear it would difwas fo contrary to what had been practifed in England, as I doubted it would be impossible to satisfy them, and how to bring them from pay and der, without the propounding fome fit medium, I thought it was impossithree months; I with entreaty drew them to accept of fix weeks pay, and in this time of difpute I drew up a declaration that did fatisfy the officers, and the commissioners did so far approve of it as that they gave order to have it drawn fair; for each regiment one, that they might subscribe it. The By the commissioners appointed by his highnels for managing the affairs of America with the confent of the officers: Whereas it hath been the praconly to make firits laws, but execute the fame with like firits severity upon fuch officers and soldiers as should pillage or plunder without licence, or conceal what they had so pillaged, and not bring it to the public store or they have had the victory in pollession, yet by that only fault have given the fock; in regard many armies have been thereby ruined and destroyed when

performed the service of the day lye flain, wounded, or have the enemy fill before enemy opportunity to wrest the same out of their hands, as the French at Garighan and the Venetians at Tacobul; also, because the men that actually them, so that without imminent ruin they cannot seek after spoil; but persons, a hose deserts merited little or nothing in the service of the day, carry away the profit of the whole success, to the singular discouragement of brave resolutions, who usually get nothing but blows; the injustice of which caused David to make it a military law Samuel I. 30th chapter and 24th verse, lage without licence, or to conceal, detain, or keep, to his own private ufe or profit, any arms, money, plate, jewels, or goods whatfoever, upon pain of forfeiture of his interest in the whole pay or pillage, and likewise to suffer the pain of death for the said offence. And it is hereby further ordered and declared, that officers shall be chosen by mutual consent, and sworn to receive and are ufually the least deserving,) should carry away the whole reward of the is his highnesses special commands to us, that we should rectify so great a disorder crept so far into modern armies, and that a just account be taken of the pillage and booties, to the end that an equal distribution may bemade thereof defert; and the faid officers shall take an oath to execute the faid place justly and truly, and the distribution shall be made by the advice of persons chosen to give equal share to every person of the army though not present in the uction; and though the equity of the thing carry enough with it to juffify the proceedings of antiquity against so great an evil, the disorder being of so dangerous a consequence, and contrary to reason and religion, that a few persons (who victory and success purchased by the blood and hazard of all: Wherefore, it difoofe of all pillage and booties, according to every man's place, quality, and to all persons; according to every man's quality and merit: It is therefore hereby ordered that no perfons of what degree or quality foever do prefume to pilby the officers and foldiers, according to each man's quality and merit.

Given under our hands this

day of RICHARD VENABLES, WILLIAM PENN.

and myfelf excepted) refused to fign the order, which gave the officers great offence; who, to fatisfy the commiffioners, had feveral of them agreed to fign the enfuing declaration, in cafe the commissioners would But when all things were made ready, the commissioners (general Penn have figned the foregoing order:

for necessaries to carry on the service, and, if necessity require, to lend our pay to provide the said necessaries as the commissioners shall appoint; and, if the Lord shall bless us with so high successes, in returning the overplus to easter. prove of the order, and also engage for ourselves that we will not violate the same; but endeavour to cause all under our several charges and commands to give obedience to the said command, and to bring all offenders against the said law and order to punishment; and shall, after our fonableness, of that too frequent and unreformed disorder, that a few (and those usually that perform least of the service) should engross to themselves what is purchased by the blood and hazard of all the forces, we do wholly ap-Whereas we have received an order from his highneffes commissioners for managing the affairs of America, declaring his highneffes instructions to them, and thereby requiring an exact account from them of all prizes and booties taken by fea or land, that fo every officer and foldier may receive respective pay is discharged, acquiesce in the disposing and issuing sorth of the the burthens of our dear native country, for whose sake next to the glory of an equal share, according to their several qualities, places, and deserts, and for the carrying on of the publick fervice; and being convinced by the reafons alledged in the same of the injustice, dangerous inconveniences, and the unrearemainder by the faid commissioners, either as rewards to deserving persons, or God this defign is undertaken.

So that had not pertinacity and weaknefs blinded the commiffioners they would have got the difposal of all into their own hands, only by yielding so far as to give discontented persons (whom by force they could not compel) a commissioner, was put to great strait, being wholly a stranger to the army, which occasioned Mr. Winslow to think that it would cause the army to difgust me, and so make me uncapable of doing any service, having loft the hearts of the officers; for feveral of them charged me with neglect to them in fiding with the commiffioners to take away their privileges; for being wont to have pillage when they took any place by florm in England, and so had both pay and pillage; and now being in a frange country, where they had no pay, to be denied pillage, much exasperated their spirits, having no confidence in me: for I had neither ofa few fair words; which I suppose no wife man would have refused, when fo much inconvenience must follow the denial. But I myfelf, being as well ficer nor foldiers that had experienced my faithfulnefs to them, as they were all ftrangers to me, and I to them. I was neceffitated to entreat the officers to entrust me, affuring them I would endeavour their advantage, and that for my own particular I should disclaim any thing of right the place, which they confented to at my request. I moved the commiffioners to join with me to assure it to the foldiers; but it was denied me; speed; and thus the business about dividing the bear's skin before killed was laid aside and let sleep for a time, but it will wake much more fierce Cox, our guide, who but a little before came thence, denied it; fo that or advantage, and wholly endeavour theirs; and fo intreated them to accept of fix weeks pay from the commissioners, if God should give them but would return for England with mingo; yet the fleet opposed, and would not, pretending a boom; though ver Hine; and, hearing there was a fortand atrench, we voted to try to force them; and to that end paffed the votes following: and then I was forced to make a new request to the foldiers, that they should venture their lives as I should do mine, and trust God for the reward, which they affented to: but withal many of them declared than formerly; for, if it were distaits action at sirft, it would prove mutiny, when ripe. In conclution, myfelf and officers with fome of the commiffioners propounded and infifted torun the fleet into the harbour of St. Dotheir denial and refufal conftrained us upon a refolution to land at the Rithey would never firike a firoke more where there should be commiffioners to controul the foldiers,

AT A COUNCIL OF WAR HELD ON BOARD THE SWIFTSURE, THE 7TH OF APRIL, 1655, WHERE MYSELF AND THE COLONELS OF THE SEVERAL REGIMENTS WERE PRESENT.

Refolved.

THAT the army land at the River Hine.

That the regiments caft lots who shall land first.

That two or three be landed at once.

That the feconds to each regiment be appointed.

fail very near in company, for the better ordering the feveral regiments That the ships in which each regiment is transported be ordered to

That it be ordered what boats shall take the foldiers in, according as lot and command shall require.

ARMY, ON BOARD THE SWIFTSURE, APRIL 10, 1655. BY MYSELP AND THE FIELD OFFICERS OF THE

Refolved,

THAT, in case the surge of the sea go high, and the fort and trench be defended, the army land to the seward behind the second point.

That, after the army is landed, a regiment be ordered to the east of the city, provided general Penn engage to supply them with all necessaries. The regiment is colonel Buller's by lot. INSTRUCTIONS TO THE SEVERAL COLONELS ABOUT LANDING IN PURSUANCE OF THE FOREGOING VOTES.

- then they are to advance against the enemy, and to pass the same; but if it be out of shot and not defended, then to stand still till all be landed; 1ft. THAT the regiments which land first at the River Hine, (if we land there, and that the ditch at the landing be defended and within shot, but if at the more westerly, then to draw up and stand till all be landed.
- 2d. In cafe we find no opposition then none to march away, but all in feniority as their due.
- 3d. The fignal a piece of white cloth or paper upon the left arm,
- 4th. That the word be religion.

5th. In case the enemy oppose, each man is at landing to advance to relieve where there is most neceffity. Thefe things, thus ordered, Mr. Winflow came and told me that gene-

horfes and men, the fun being in our faces, fell down for thirst; but if any had the least liquor poured into him he recovered, otherwise died im-I then protested my distaisfaction at these passages, and so by force was mediately; a Dutchman, nor any guide figned to land at, and that we would attempt that place before we went to the leeward point. He faid he durst not venture the fleet without a carried to the west point, which occasioned a long and tedious march, forty miles or thereabouts, in a woody country we knew not, and without guide fave Heaven, the land burnt up with a drought, fo that our gunner in the caftle of St. Domingo): General Penn told me he had fent him forth to gain intelligence. I asked further, if he would return to be few hours before returning to us: general Penntold me he was before me on board the vice-admiral whither I was then going. I alked for Fearnes and Bounty, that one of them might flay with the fleet when Cox left ly enquired of the vice-admiral whether we were yet fallen into the River Hine: he replied he knew not. I then afked for Cox, he faid he was not on board nor returned back that he knew of, fince the general fent him; or Bounty, or return with the fleet to general Penn; he faid he could Bounty had been taken in at St. Christopher's as guides, both of them being lately come from Hispaniola, where Cox had served many years a do. I replied it was well if he did. I then began to put the regiments that were to land with myfelf in readinefs for landing, delivered out my I took leave of general Penn and Mr. Winilow, they gave me orders to prohibit plundering, which I told them I would do by publishing the order accordingly. I then afked for Cox, whom the feamen they fay faw a them to march with us by land, he faid they must stay with him to bring was difcourfing with fome officers about what we were to do, and prefentpilot in a strange and dangerous place. I defired him to fend for Fearnes not, the wind was against us, and that we must go to the leeward point. our guide when we landed? he anfwered he would, for he had orders fo to forementioned infructions to the feveral colonels; and the next day, when one of them was fufficient; for that we might want two: but he would not part with either of them. When I came aboard the vice-admiral I ral Penn had fent Cox forth; and that he feeing a veffel bearing away from answered it was Cox, and that the general had sent him. Upon which I went to general Penn and asked for captain Cox (who with one Mr. the fleet (which any shallop might have done) to an anchor: I replied the rest of the sleet, asked who he was and what he went about. and that he had no guide but one Sabada,

men (who thought to have three days provisions) were by some seamen put on shore, by whose fault I know not, with only one day's victuals, so mediately; our very feet scorched through our shoes with the fand and gravel, there being no grafs fave in favanna's, and the heats in the torrid zone at the highest, the nights cold and much dews, which with eating thort diet more apt to the flux; and in this condition we marched four days have prevented all this trouble, fickness, and the enemy's fummoning in the whole country to oppose us; and, to add to our misery, many of our council of war before mentioned, colonel Buller was to land to the eaft of oranges for thirst, wanting water, made our men after their former bad and to come to the place we should and might have landed at the first day, and that we were ready to fink down with extreme faintnefs. At this place we made a fignal, and defired to pass over the river. By the votes of the the city; I gave him order also not to attempt against it, the haven being betwixt him and the city, till the army appeared on the other fide; left, if he were repulfed in fo dangerous an attempt, it might heighten the it might heighten the River the day we came to it, with order not to flir from thence till we caufed us to march ten or twelve miles about, not knowing the ford; to fait two days longer, which almost destroyed our weak and fainting men, enemy's refolves. But, in case he could not land to the east, then to ob-No place came to him; but he difobeyed that order, and marched away with Cox, our only land guide, who returned to general Penn in our abfence; which our retreat it encouraged the enemy; all which is evidenced, though death hath prevented me of many witneffes, yet the enfuing letter, which was fent me from a colonel in the army, dated from Jamaica, the 14th of March, 1665, and declares both our refolves as to running the fleet into the haven and Buller's words and actions as is now mentioned: and brought along with it so many inconveniences as blafted all our refolves; he fuffering his men to straggle, it caused the enemy to lay an ambush for him, as himfelf confessed, into which he fell, and necessity forcing being found to land him to the east of the city, he was landed at ferve the commissioners orders till he joined with the army.

Honourable Sir,

WHEREAS I hear they accuse you for chusing toland at point Nizarfe, I knew it was not your choice, and all men will believe it when they consider what little command you had of the fleet; and I remember well you were

wards one of them, who had not long fince been there, did affirm to me to far from withing well to a long march that you defired to have landed at the very city itself; but it was affirmed at the debate that there was a was affirmed by fo eminent a perfon that none of the pilots would contradict it, whilit they were in the cabin, though I can depofe that afterthere neither was, nor did he believe there could be, any fuch thing. chain laying acrofs the mouth of the harbour, to hinder paffage,

What the fufferings of the army were in your march I cannot know, otherwife than by relation and by the experience of my own and colonel like complaint as was the next morning amongft them; a condition we fell into through the forwardness of colonel Buller to march from Hine River, to the officers of that party, that he had no orders to march. I likewife knew that a party was fent forth by him next morning, commanded by a much shorter way, which was but from Hine River to where we landed, and were appointed to expect the army, or that mellage you were to fend to the rear-admiral for provifions, he himfelf confessing both in his letter to general Penn and Mr. Winflow on board, and likewife his major Bland, and guided by Cox, to difcover the fort of St. Hieronimo, and to get fome intelligence of your march with the rest of the army. He there stayed so long at the meeting of the ways, which was about half a to march with a finall party, to know what was the occasion of their stay; which I defired to do, and took Coxe the guide with me; who led me by a finall path about mufket-flot through the wood to a piece of fall n returned with it to colonel Buller, the party fill remaining there till the army's coming up; but as it feems to me that free and often looking on expect the army to come up, which he was confident would not be long, if the news was true which was brought to his colonel upon the march the day before, by a foldier who stayed behind at Hine Bay; which was, he he faid it mile from the fort, as colonel Buller wondered at it. I thereupon offered and, as I remember Bland told me they were ordered there to remain to was hard by, and that a little within the woods I might plainly fee it; which lay next adjoining to the fort, and about a quarter or ant from it. Having feen the fort and having Bland's anfwer, brought our men to that extremity for want of water that I never heard the fort had caused those men to be discovered, and thence brought the two new plantations, which could not be above fix miles, faw a man come to the river fide with two colours upon a pike. him how far the fort was from where he and his party flayed: mile distant from it. Buller's men in

anibuscade forth, in whose hands your honour had like to have fallen; for I have heard colonel Buller fay he did believe that ambush was laid for his men and not for the army. This letter was writ to me from colonel Richard Holdipe, in answer to one of mine when I petitioned and expected to be called to give an account of all my transactions.

THIS FOLLOWING CERTIFICATE WAS WRIT BY MR. HENRY SECRETARY TO HIS HIGHNESSES COMMISSIONERS. I, underwritten, testify that being present in the great cabin on board the Parago, I heard general Venables ask of vice-admiral Goodson whether they might try to land there; whereupon the vice-admiral replied, that they had overflot it as they thought; whereat the general wondering, and faying that it was refolved to land there if they could, he further added that he had no or-This discourse happened on the 1sth of April, 1655, were yet fallen in with the River Hine (or words to that purpose) that they which I am ready to confirm by oath, if need require.

HENRY CARY.

I mentioned before the commiffioners order to me, which as foon as we landed, according as they required, I published that order against all plundering, and that whatsoever was gotten should be brought into a publick flock, and acquainted the officers with the commissioners order, which By the commissioners appointed by his highness for ordering and managing the assiries in America, we, taking into our serious confideration upon our near appraach to the city of Domingo, a place that we have resolved to make the first attempt upon, in order to the present expedition in the West-Indies, conceive it a just and meet thing that some more than ordinary encouragement be given to the army, and the rather because if God shall please to put it into our hands, we may not admit of plunder, for that his highness intends to plant a colony of English there; and therefore do declare if the faid city of Domingo

him in it; provided the place be able to make it good, and we in any measure enabled to carry on the design, and withall provided the soldiers break not this agreement by plunder: and in case it shall be taken by surrender, and that Domingo shall refuse to surrender upon a fair summons, and force the army to take it by Rorm, that then the army shall have one moiety of all that shall fuch goods as shall be brought into the public stores: or in case general Vena-bles shall promise them a month or fix weeks pay, we shall be ready to assist the general Shall promise them Juch encouragement as the Said condition will be taken, except arms, ordnance, annunition, and other royalites, viz. of admit, viz. one third part of what shall be tuken or three weeks pay, except before excepted, the commissioners will affet the general therein also; and the general is defired to iffue out his orders accordingly to his officers, to prevent plunder, and so consequently that ruin which would thereby be brought upon the Given under our hands this 13th duy of April, 1655.

WILLIAM PENN, EDWARD WINSLOW, GEORGE BUTLER. But their spirits were by former discontents so exasperated, that what would at first have been willingly accepted of with love and thankfulness was now rejected; and the seamen first of all, then all the rest, fell into mutiny; all which I certified the commiffioners, withall affuring them that I now found my former fears to come to pafs, that they would deftroy my interest in the army by their unfeafonable and unreasonable pertinacity in and that whilft they had no pay they would have all they could get. Of and fome faid that I was but one man and fo could not hang all the army, refufing the officer's motions; but, that having discharged my duty in obferving their orders and his highnesses instructions, I shall satisfy my own nothing would be heard, and the reins of government being loofed, would not now be endured to reftrain their will, and my interest being loft, mour we marched in a most fad and miferable manner, in an unknown country, tormented with heat, hunger, and thirst, (myfelf enduring what the meanest suffered) until the fourth day after we came to the River Hine, where we purposed and might have landed at first, as is before re-Whereupon they fent me a fur-In this difcontented huther order, but all too late; for, passion having usurped the feat of reason, no purpofe. heart therein whatever the event were. endeavours were to

lated; where we were by Cox informed, there was a ford, which we ler was marched away and Cox with him, we conceived they were gone up the river to meet us, and supposed the ford was higher above, (but we ford to be found. We quartered that night without water, and the next morning, afterthree miles further march we found one, and then passed the provision, and to refresh our weary, fick, and fainting, men with some refit, Irishman was brought in, who offered to bring us within two miles of a river, where we might come at our ships. Myself was suspicious of him, after examination, lest he came to be tray us, (and the sequel proved my jealousy not to be groundless) but captain Butler pressed with fearched for, but could find none in half a mile; and hearing that Bulford in, and never thought of) whereupon we marched five miles, but no river, with a refolution to march to the harbour to take in ammunition and begun with our three days victuals, we marched towards the ships, and cause the Spaniard either could not or would not tell him the way, yet of, stayed three hours waiting his return. At the last, finding he was not gone, I called him out and called some officers to debate, and captain great earnestness to believe him, faying he durst pawn his life he was honest, and charged me by virtue of my instructions to follow his advice; but, hearing colonel Buller and Holdipe's drums, I defired if possible to fend to them to come to us. This being now the fifth day after we had finding a farm house with water, we halted thither; and I commanded a captain out with fome men to feek out the way, ordering him to enquire of a Spaniard who lay bed-rid which was the nearest and best way to the river, where our fhips rode at anchor; but he neglected to go, benever gave any account that he stayed; so that myfelf, not knowing thereand fome of the officers being fo prefling I durst not refuse, it being part of my instructions to seer my course by the advice of the commmissioners, or, by reason of the death or absence of the rest, of one. But after party, no water within a mile's march was to be found. We met with colonel Buller and his guide captain Cox, who promifed water, which ing quartered thereabouts had rambled up and down for pillage, which gave the enemy occasion to place an ambush, which fell upon our forlorn, whom they routed, and flew feveral officers (former light matters I pafs as three miles march, and no river appearing, our men fainting, he faid he only spoke of water which was near and the ships also; but fending a We marched towards it, but colonel Buller's men havleft it at the influx of the river into the fea, an unufual place to Butler one of the commiffioners who was with us all the march. party, no water within a mile's march was to be found. was glad tidings.

was this, -fome had fafted four daysfave the fruits they found in the woods, Cox was flain in the fkirmish). To return was to encourage the enemy and to discourage our men; to carry fainting and almost familhed men upon a florm, in a dark night, in an unknown place, where we could not choose the fittest ground to assault, after some had fasted five and all former refolutions, from which the Irithman's relation by captain Butler's fued within cannot flot of the town, where our men, being with the fkirmish drawn on, forgot that thirst which, when the fight ended, they faint-(unfit for men to live upon) their match fpent to three or four inches, no water, the Spaniards having stopped up all their wells within several miles, our men fainting, our ships not to be come unto in that place; if we went on, we must leave the town betwixt us and our sleet, and by ther ladders, guns, nor any man that knew the town or country, (for captain two days, without ammunition, was thought madnefs; and therefore our peremptory counsel diverted us, were taken up as the best. The four miles we had advanced out of our way loft us, in that marching back, many men and horse, through want of meat and water. These reasons were then propounded and since sent by me in a letter to colonel Doyly. His not worth mentioning) but were instantly beaten back with lofs, and purcouncil of war being called, and the condition of the army stated, which confequence betwixt us and our victuals and ammunition; we had neied under; feveral men and horfes dying with thirft upon the place. anfwer follows:

Jamaica, July 12, 1656.

SIR

FOR the matter of the allegations you mention, and the reafons of our not falling on St. Domingo, though I doubt my relation will be little advantageous to you now, the Protector having wifely and prudently judged your cafe, not by the uncertain event of war, but by your own deportment; yet I must, in honour of truth and justice, affirm the rea-sons in your letter to be the very same that were then given, which I perfeetly remember.

Your's &c.

EDWARD DOYLY.

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manded by adjutant general Jackfon, fell into an ambush, going against order without any parties to search the woods, and with their pikes in the and himfelf brought up the rear. The enemy fuffered (without lett) our men to march on, who went just into the midst of danger, being ready to faint with thirst, having marched eight miles without water, and then charged them. The van received the charge and fired orderly, but the We stayed at the harbour three or four days, taking in of ammunition, yielduals, and other necessaries, and to refresh our men. We again advanced with a mortar-piece, to take the fort where the enemy had laid his ammiles march we never faw above three favannas, the whole country being pieces thrawn by men; but when we came to the fame place, our men in the forlorn, comrear, contrary to order given at the first landing; in regard that in forty dred might trouble ten thoufand; befides himfelf having the charge of the party, put a lieutenant and a captain at the head of them before him, his men to keep them back, but they would not be stayed, but routed first that regiment, then major general Haynes's. The enemy followed cagerly, gave no quarter, fo that the major general and all our best officers, who foorned flight, sell in that action. But the sea regiment coming on, with myself and vice admiral Goodson at the head of them, with our swords vered the dead bodies and place of fight, which ground we kept though the they ran upon my own regiment, who charged their pikes at Jackton and we forced the runaways into the woods, rather choofing to kill them than they should route us; which the enemyfeeing, retreated; fo that we reco-The mortar-piece was drawn up to play, but fuch was the terror enemy's cannon from the fort fwept away our men by eight or nine at a or sloth, or both, that had possessed our men, that not a man would work a continual wood, where not above four could marchabreaft, and an hun-I had now been troubled for a fortnight with a that I could not go except supported by two, and thus I went from place to place, as the cannon played, to encourage the men to stand, and to plant the mortar piece; and at last fainting, I was forced to leave the care done; fo, refting there that night, to bury our dead, a council of war was called of the colonels and teveral field officers, where no man diffenting, it was voted, that the difficulty of thirst was not to be overcome, the enemy having barricadoed the way, and placed ambushes, so that we to major-general Fortescue, who could prevail no more than myfelf had rear run away, and Jackfon the first man of all. The way being narrow grievous flux, which had so weakened me (besides the pains of the day) bush, about a mile short of the town, and two small for any reward to plant it.

tar-piece could not play before; which we did accordingly. In this last ble footed as themfelves; entreaties, perfuafions, and reasons, not prevailing to stay them, though they neither were able nor knew whither to Our planters we found most fearful, being only bold to do order, being the most prophane debauched persons that we ever saw; scorners of religion, and indeed men kept so loose as not to be kept unhave gone ourfelves as we came from England than to have taken fuch to our affiftance, who we fear, with fome others put upon us in England, have might die of thirst (though we should beat them) before we could come necessaries, which they had in readiness for us, as they informed us; and mischief, not to be commanded as soldiers, nor to be kept in any civil der discipline, and so cowardly as not to be made to fight; so that had we known what they would have proved we should rather have chosen to drawn heavy affliction upon us, and dishonour to our nation and religion. How fentible the commiffioners were of our freights, and the cowardice of our men, let their own letter to the governor of Barbadoes, written in therefore refolved next morning to retreat at fun rifing, if the moraction our men shewed themselves so heartless, that they only followed to our flips, who near the town had found a place to land water and all the officers to charge, and there left them to die, except they were as nimmy abfence, fpeak:

I R,

never be brought to march up to that place again. This hath made us to take up a new refolution, to our great grief and anguith of spirit, viz. balls for the great guns, but keen them with you till further order; but if the or any other man of war come with them, then thip them in her, and WE are ashamed of the cowardice of our men, which yet continueth, and were not the enemy as cowardly as themfelves, and, they might with a lew deftroy our army, or elfe the officers must leave their charge, and charge the enemy in a body together; nor will they be brought to go on again; We mean the body of the army, and, to fay the truth, your men and the men of St. Christopher's lead all the diforder and confusion: But, having our flores thither, it, they be not as yet fent away; and if the Great Chaconferred with the officers this day, they all agree that these people will to attempt Jamaica in the next place, and therefore define you to fend rity be not there, not at all to fendour ordnance, mortar-piece, theils and

all means to flop the bafe flight of our men, and how our men, nay horfes alfo, which are of little use in thickets for fight, fell down upon their march, some dying with thirst upon the place; but if strong water or ordinary water was poured into them they instantly rose We pray you present our respects to the commissioners for the prize That God will be pleased to enable us to make a right use of this when the stores are landed at Jamaica; and, in case they should not find us at Jamaica, then let all return for England; but general Penn will write to the commander of any man of war of their store ships more particularly, whose orders therein we pray you will have special respect unto, if they shall be produced. Time will not permit us to tell you of every Captain Paulett is flain in this last engagement, but whether of wounds in the back or forward as yet we know not. Thus you fee our fad condilet them go with the stores; but carry the forementioned back to England particular, nor to fet out the worth of our general; how he fought by up and marched; how valiantly captain Carpenter has behaved himfelf. great affliction is the earnest defire of,

S. I. R.

Your humble fervants,

From on board the Swiftfure, April 28, 1655.

WILLIAM PENN, EDWARD WINSLOW, GEORGE BUTLER. This clause also in a letter from captain Carpenter, viz. " In the first felves wholly, we fear we did trust too much in the arm of flesh, having fo great an army as England never sent into these parts before; and indeed fpake to you as I met you bringing up the sea regiment to our relief; our numbers in this woody country were our trouble not strength. In our my horse was shot under me, and I was carried away on toot in the throng, and beating up the remainder of the major-general's regiment to make them face the enemy, and did afterwards tell you of the cowardice of adjutant Jackfon as the lofs of our honours, &c." But, not to excufe our-Our fick and wounded men fent on board (for tents and carriages we had first encounter we had some further discouragement from the seamen.

just defence, necessitated me thereunto, that the world might see the kindfor whoring and drunkenners at Barbadoes; but not being able to prove none) were kept upon the bare deck forty-eight hours, and had neither meat, verington, a gallant man, died thereby; and our victuals fent us on shore the commissioner being present. The men, which we do not justify, being commonly called dogs, and judged worthy, (the motion being made accordingly) to be left to the enemy, and so set fail for England. This being so horrid a motion, my foul deteited it, and I should never have mentioned it had not the neglects and injuries put upon me, with my own charged, and the charge proved upon oath, that first, contrary to orders and my daily practice, he marched without any party to search the woods to other officers in the van, and himfelf brought up the rear, near enough to claim honour if it were gotten, and in a fafe place to run if there was occafion: Fourthly, he was the first man that was feen to run of the he might make way for himfelf to be foremost in the retreat; myfelf evil conduct and cowardice were wounded. A fentence too gentle for fo notorious an offender, against whom some of the colonels made complaint drink, nor dreffing, fo that worms bred in their wounds, and captain Le-Penn, after our difafter, gave the rear-admiral order, though our victuals nefs the feamen were like to express unto us in all our wants and extremity, and as an evidence to confirm the relation of their former hard ufage into examination of feveral mifcarriages; where adjutant Jackfon was them in the rear, as though he feared our horfe only: Thirdly, he put that he, at the ftop my regiment gave him, which caufed a crowd, with his hands took hold of them that were before and thruft them afide, that for him. I, supposing him wounded, asked him how he did !—he replied fore bruised. I asked the woman what her concern wasfor him?—she said be cashiered, and his fword broken over his head, and to be made a fwabas though we were not thirfty enough) unwatered and candied with alt, fo that our men could not eat it till neceffity enforced; and general were fpent and a day more, that he should deliver us none, Mr. Winslow prevent ambushes: Secondly, he took no pikes, or very few, and placed for cagernefs to be gone, coming up, I saw him upon a pillow with a woman by him weeping that her name was Jackfon, and that her husband was slain. I told her All which being proved upon oath before a council of war, he was only fentenced to So from as we were retreated to the fea fide, ber to keep the hofpital ship clean, for the health of those who the ought rather to look after her husband than a stranger. whole party, and would not be stopped; yea, from them at fea.

chooling poifon before famine. It being refolved that we should all be written upon his breaft. I must now insert a small digression, that during fent to Barbadoes and often beaten at home, and therefore found it not fafe to truft to their courage, which they had experienced to the lofs of the fact, though, confidering his former course of life, the prefumptions were frong. He and a woman lodging in one chamber together, and not fender, he having two wives in England and standing guilty of forgery: in all which I defired major-general Worsley to join with me to acquaint his highness with, that he might be taken off, and not fusiered to go with me, whom major-general Worfley related this matter in the Tower, they coming to fee me. After this both perjury and Yorgery was proved against him in the case of colonel ———, a general of Parbadocs, ruined by felves, we are all loft !" and fo ran away. He was hanged, with his fault nefs would not hear, as Mr. Eaton of Duckenfield Church can teftify, to understand afterwards. We also proceeded against a serjeant, who, in the rains then falling, did for three nights go aboard to lodge in a ship about muf-ket shot from the shore, and returned in the morning. Mr. Winslow came left he should bring a curfe upon us, as I fear he did; but his high-Upon the complaint and with the advice of the faid colonel I rebuked him privately, which he took fo diftaftefully that, as it afterwards appeared, he fludied and endeavoured nothing but mutiny, and to find fit matter to work upon; as in an army that has neither pay, pillage, arms, ammunition, nor victuals, will not be difficult; but this I came to last skirmish, threw down his arms, cryingout, " Gentlemen, Shift for your-Jamaica. During those debates the foldiers supplies of victuals being great that they cat up all the dogs, affes, and horfes, in the camp, and fome eat poisonous food, fo that I was informed forty-fix died with it at once, Inipped to attempt Jamaica, but the officers refused to permit the regiment of this and the former flay at this place for refreshment, myfelf being extremely troubled with the flux, having neither tent nor other shelter, and the afhore to us and preffed for a third attempt. The officers univerfally declined leading up of their men, but freely offered to regiment themfelves, fo to live and die together; for their men, whom they had never known any other perion with either; enough to induce a belief that he was an ofin Fugland, being generally new raifed men, or cavalry that had been the foldiers fo cowardly and not to be trufted or confided in, except raifed in their spirits by some smaller success, did therefore resolve to attempt upon the commissioners confulted what was further to be done, finding kept back by general Penn's orders, as is related, their wants were many of their fellows; but this was declined by Mr. Winflow. him by that means.

be had) the men being already, with want and baddiet, very weak, might feamen to be shipped first; left, as it was mentioned, they should be left on shore without food, ammunition, medicaments, or any necessaries. to be given up to the mercy of the enemy. But at the last all being got , we fet fail for Jamaica, where the first day following we landed in In, I islued forth an orderagainst runaways, that his next fellow should kill him or be tried for his own life; which one observes was a neglect at Hispaniola; but he had forgot that er malis moribus bone leges nafcuntur, and hoped they had been Englishmen; but this nameless and shameless traducer shall have a full answer before I make an end. When we came to land, general Penn and myfelt went on board the Martin galley (which upon the enemy in the fort and they upon it) the better to order The wind favoured us here, for, being in the rear of our men, they could not possibly row back, but must vanquish or be endangered; befides, the enemy might be in an unknown place, when they would not have day to view all padiages and advantages, and fall into their quarters; whereupon it was deferred till next morning: which being favannah by the town, where two or three Spaniards at a diffance made us in cattle, but not bread, alledging they had not enough for us. We prefently fet commissioners to work, but they defired that our men might The afternoon; and here, remembering our men's cowardice at Hifpaniodie: and fo I conceive were the bolder (necessity enforcing them), gaining three of the clock, the officers thought it best not to march thence that night wanting guides, for if they should want water (which was there to come we began our march with the fun, and about noon came up to the went away, and next morning a priest and a major came to us, to define a treaty, and that they would give us in reason what we could define. I told them we came not to pillage, but to plant; and withal, having been It being about cows daily for our fupply of fresh meat, and cashvina bread proportionable, or without those supplies I would not treat. Whereupon they fent not straggle for fear of their mulattoes. We told them they were their fervants and at their command, and neither durst or would do any hurt some fignals of civility: I commanded so many to go to them, they then I commanded one well mounted to alk what they would. They defired a treaty. We told them we would treat when we faw any authorized from the governor. Whereupon they long at fea with falt meat, I expected they should fend us in an hundred we could not aforehand conceive our men to be fo basely cowardly, with little opposition the enemy's fort with some guns. rid away, and prefently made a fland. things in the attempt. played

The treaty went on, and the asbut by their command or connivance. ticles were concluded on as follows:

war, of what kind or nature loever, (except what is hereafter exempted) and all kind of shipping that now is in any harbour of this island, with the furniture, fails, apparel, ammunition, ordannee, &c., thereunto belonging; as also goods, wares, merchandizes, or what elfors upon the faid island, be delivered up unto the right honourable ge-IMPRIMIS, That all forts, arms, ammunition, utenfils, and necessaries for day of this instant neral Venables, or whom he shall appoint, to receive the same for the affect of his highness Oliver, the lord protector of the commonwealth of England, Scotland, and Ireland, before the day of this instant month of May, without any deceit, embezzlement, or concealment whatfoever. beconder, That all and every the inhabitants of the island (except the hereafter excepted) shall have their lives granted, and shall not be abused in their persons; and that those of them that shall desire to depart this island shall, with their wives and children, be transported to widing their own provisions and victuals necessary for the voyage, the fome part of Nova Hifpania, wind and weather permitting; or otherwife to fome of the king of Spain's dominions in America, they pro-

THIRDLY, That all commission officers, and none elfe, have liberty to enjoy or wear their rapiers and poignards. FOURTHLY. That liberty shall be given to all that shall depart according to the second article, to carry with them their wearing apparel and any books or writings they shall defire.

That all artificers and meanerfort of inhabitants who shall defire freedom and goods (excepting flaves) they fubmitting and conforming to the laws of the English nation, and fuch others as shall be declared lo remain on the island (except hereafter excepted) shall enjoy their by authority to be put in ufe and exercifed within this illand. FIFTHLY,

extract, That all goods and necessaries as well household as for draught be

Be continued at the feveral habitations and estancias to which they belong, and that all fuch goods as have been conveyed from the places to which they belonged respectively, and conecaled or embezzled, bo fore the day of this inftant May, and that an account be given in thereof unto the faid right honourable general Venables or his dereturned unto the feveral habitations unto which they appertained beputies, according to the tenor of the first article. SEVENTHLY, That nothing in the prefentarticles be understood to extend to any person that came to this island upon a sormer attempt, under captain William Jackson, and then sorfaking their colours, revolted to the enemy; and that the governor do deliver the said persons unto the power aforefaid. EIGHTHLY. That fuch hostages or rehence as shall be desired be given on the part of the inhabitants for the true performance of these articles, also for the safe return of the English ships that shall be appointed for the transporation of those that defire to depart this island.

the number be certainly known, that convenient shipping be provided accordingly: It is agreed that the master of every family, or other free person of the inhabitants of this island that shall depart, do within days after the date hereof bring unto the faid right honourable general Venables, or his deputies, a perfect lift of all the perfons cording to the preceding articles, as likewife the names and number NINTHLY, That, in order to the transportation of those that shall depart, of their respective families for whom they expect transportation, acof all the fervants and flaves that belonged unto them on the day of this inflant month. TENTHLY, That a true lift of all other the inhabitants and free men of the island, with their names, titles, qualities, and occupations, together with the names of their wives, children, fervants, and slaves, be brought in to the faid general or his deputies within after the date hereof. ELEVENTHLY, That for all fuch perfons whose names shall be so delinesed at the port of Cagnaya, to such as shall be then appointed by the

instant May, before the right honourable general Venables upon the favannah before the town Caguaya, to receive fuch favourable conto be transported, all flaves, negroes, and others, be required by their general of the fleet to receive the fame, for the ufe of the faid perfons ceffions as are intended to be made unto them touching their liberty. feveral mafters to prefent themselves upon the

guaya before the day of May, or he utterly excluded touching their liberty from the benefit of these articles. That all perfons that are to be transported be ready at the port of CaThe commissioners for us were major-general Fortescue, vice-admiral Goodson, colonel Richard Holdipe, and colonel Edward D'Oyly.

I have the original of these in Spanish, but whether rightly translated or no I cannot fay, be-Signed by thefe and the Spanish commissioners. caufe I understand not the language.

missioners as hostages for performance, and kept them and the governor, whom I setched in as hostages; but there was a colonel amongst them, an enemy to the governor, who perfuaded the people (being a man of in-terest and authority amongst them) that if they did drive away the cattle The articles being figned by the commissioners, I demanded the com-One of the commissioners fent his prieft, banged him. Whereupon this gentleman Don Acosta, a Portuguefe, to revenge the death of his prieft whom he loved, directed us how to recover all the cattle, informing us whither they had driven them into the they might starve us away. One of the commissioners tent his priest, who was a discreet negro, to diffuade them from this course, but they mountains, and that they must come into the plains to drink, which fell out accordingly.

dead (which was not ufual) they ran into the woods, except they flot them for that, as I was affured, fome hundreds were found thus dead; which courfe (if fuffered) would in a flort time confume all the cattle, and then I was also informed, about this time, that the foldiers flraggled abroad the army mult flarve. To prevent which mischief (the men being sometimes than by thangeling) I ordered that no private foldier thould heater-

and for the future we were constantly furnished with beef, and this was forward go forth to kill cows alone, but that commanded parties should conflantly be fent forth to fetch in cows for the army's necessary supply; not (as Mr. I S. faid) starving in a cook's shop. And this rule being obed, which was fent us with a ftraight and flack hand, and also very bad, as the following letters will evidence, writ into England by fome gentlemen to their friends, who finer gave fome of them (and copies of others ferved by colonel Holdipe, he had cattle, but bread we extremely wantatteffed under their hands) to me :

Jamaica, June 4, 1653.

LOVING BROTHER,

eut of Bridewell, or one gaol or other; to that in our poor army ve have to us hath put us to great lofs and hardfhip, fo that all the lofs we had at Hifpaniola was occasioned thereby, for want of arms, provisions, and of guides; but you will hear all, and more than all. by fome that went that my lord protector had of the great fupplies of men and provisions that we should have at the island, which was much to their and our hurt; beaten runaways, as that they know how to do little effe except to plunthe m.were apprentices that ran from their matters and others that came but few that either tear God or reverence man. But bletfed be God thofe that are in chief place are godly, and we have godly teachers among us; vision; so also to plant for our own relief; for our shipping not coming Lains, and to plunder, not expecting to meet with fo many difficultive as we met with; which was much occasioned by some misinformation for they did for us what they were able, and the men we had from I dare fay that one thoufive thousand of them; for they have been for the most part such old mountains, not daring to fight us; fo that now we are spreading our army back from us; fome of which I suppose came only to see golden mount fand of our foldiers that came out of England or Ireland is better than der; and for those we carried out of England we now find, by fad exp which is a very good illand, very fruitful of eattle at prefent. We are possessed of the town and of their houses, and the people are fled into the into the country to quarter, and to prevent the enemy from getting pro-THESE are to let you know that we are at the island of Jamaica, rience, that but few of them were old foldiers; but certainly moit flience, for the most part proved good for little.

Mr. Partington that his runaway apprentice came to me to fend him home; he would be glad of the feraps that come from his mafter's table; and the streights we are now in are very great; for these seventeen days we have had but three biskets of bread a man, neither officer nor soldier, men, and are about to mount more, they being of fuch special use to us as we find them to be. But I hope ere long they will all fall into our hands, for on the mountains they have little to live upon, and but two narrow passages to come down, which we have fent to block up; so that to purpose; for indeed great hath been the hardthips we have met with, We find it fomewhat difficult to get cattle, and that is the most we live upon; and it is not a few that we shall spend in fix months; but our eves are towards him that knows what it is but little provision they bring us. So not having elie at prefent, I reit, is good for us. We had yefterday fome of our enemies brought in, and that I hope God will earry on his work among us, and I hope that the and as many godly men as may be; for certainly we had agreat many bad commanders as well as bad foldiers. How they gotin! know not, but Barbadoes did difcover many of them, and God will, I hope, difcover them more and more, and weed them out from among us. Our enemics have had with them, they having fo many horfes and carts to carry with; for You will too foon hear what commanders we loft before St. Domingo, but among the reft major Ferguifon was for indeed he and all the reft of those runaways God hath met with them and fometimes little or no meat for two or three days together, and when lord Protector will be careful to fend better men, I mean better foldiers, lope God will bring them all in, and fome of our ships are come in, flain the fame day and time that major-general Haynes was flain. God will fend us fupplies we know not. I hope that work will be flort.

Your loving brother till death,

DANIEL HOW.

THESE are to certify those whom it may concern, that I, being now again to go to sea, thought it convenient to leave a sew lines behind me, touching what I have formerly said in relation to our voyage to the Wost Indice, having had several debates concerning the same with seve-

knowing what fome may fay in my absence, left this for sindication of al commanders and other persons of quality about this only, and not the truth by whomfoever fpoken: Question 1st.—The great question hath been, for the most part, how

Answer-That it was God's handy work, for the fins of the nation, as the most part such as were not foldiers, and but sew that were not more than ordinary wicked and debauched: and that not only private solalforour fins, who werevery unfit infruments for fuch a work; being for diers but feveral commanders alfo, which might juftly provoke the gainft us. Question 2d.—But what might be the cause, was it through the bad carriage of the generals, or through want, or how do you conceive?

Anfwer-Herein I shall give a relation in the prefence of the great to be through the whole voyage. We had from Portfmouth to Barba-does a very comfortable and speedy passage, were we lay about ten weeks ing no supplies to come, did tear some trouble in England that might Lord of Heaven and Earth, according to truth, as I did apprehend things polibly hinder. We feared the danger of the fea alfo, but it did appear Jooking for our flore thips, both for ammunition and provilion; and, feeto prevent our flore ships from coming to us; by which means we were that (we were negelfitated to take arms) it was God's own handy work, prefent want of arms and ammunition, as did appear, that we were nocoffitated to take arms from the islanders, and to make half pikes of cab-Further, when we fet fail from Barbadocs, we then went fix men to four men's allowance; but all this while our men had their health But when we were brought to Hifpaniola, and to land there, we had but three days provisions, and divers foldiers being put out of their ships the day before into small westels, and when we landed there was one to march with, and the rest but two, with which we marched up to St. Domingo, and drew off again, and was till either Thursday or Friday beone we had any more wich als, we landing on Saturday morning; in which bad which we had, and fome had none at all; which made our men very day spent in landing; so that then there was two days provisions spent to bage trees and other wood, which proved very ufeful, and our arms very fome, and one day to the whole; fo that many had but one day's victuals heartlefs.

long march we were feveral times in want of water, to the great prejudice of the army. Question 3d .- But why did you draw off again the first time from St. Domingo

Anfuer-We were necessitated to it for want of water and provisions; we should have lost more than half the army; for, drawing off that for I do think, had we flayed till next day and not have taken the town, night, the army being fo weak with want and wearinefs, we could hardly draw off, and many doubtlefs were not able to draw off, but were loft.

Quefiion 4th.-But how came you to be fo routed again the last time, when you went towards St. Domingo.

know, that if a forlorn be routed in fuch a place as that was, where but four could march abreaft, and that those that are routed turn in upon the body, that must of necessity breed a great confusion; and this was our case; and most of those men were either no foldiers, or old beaten runfell upon the worst regiment of all those that went out of England, for that they had the most of those new raised forces at Barbadocs, many of Anfwer-Doubtlefs there was a great fault in Jackfon, who commandaways in England, Scotland, and Ireland, and so by their running, or endeavouring so to do, routed those who would have stood if they could; many of which were flain and trod down in that throng, and doubtlefs it carried out of England we found there was but few old foldiers; for I which were good for little; and indeed this I must say, that of those we am of that judgment that we had not above one thousand old soldiers in ed the forlorn; for that they were fo cafily routed: for this you are

Question 5th. - Why did you draw off again and not march into St. Domingo?

Anjuer—We were not able to do it, our army being then fo weak and no water to be had, and we nothing Ito carry it with us, were forced to draw off in the most private way that could be, lest we should there

did unanimoufly refuse, as judging the army not in capacity so to do, Question 6th.—Why did you not march up again?
Ansure—The general calling a council of officers to advise with, they

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and the rather for that we were that time about three or four days in which we had no provisions at all from the ships; in which time horses, affes, and dogs, were good food to our poor foldiers, and in which time men fell down apace. 7th. -- But why did general Venables fuffer that, being one of the commiffioners?

Answer.-- He could do no more than he could do, it being in the hands of general Penn; and this I remember, that, a little before majorgeneral Haynes was flain, I asked him why the regiment of seamen took place of our regiment, colonel Carter being established in England, who I had heard before took offence at it. His answer was, that he dewith them what they could, to get that which was their own, from which I gather, that the fault was in general Penn and not in general Venables. —Thus being again necessitated to go on board to get to some other place, God so ordering it by the hand of his providence, as to bring us to Jamaica, where we landed with a small portion of victuals for two or time during the treaty with the Spaniards, and their flying away from us, all other things were hard to come by, for that the Spaniards at their fired me to speak no more of it, for that they were forced to comply three days; having been kept on board at half allowance to no allowthe worft I ever faw before or fince to my beft remembrance; in which ance; for in feventeen days we had but three bilkets a man, and those flight drove away their cattle.

Question 8th. - But why were not the foldiers fuffered to go abroad to get what they could?

did straggle abroad, so that it was thought better to send out in parties, and a commissioned officer or more to command the party.—3d. Because go forth but by order, and that for these reasons:--ift. Because the Spaniards had promifed within fo many days to come in and bring what they had. - 2d. For that after their flight they did kill divers of our men that Answer.- For that they were commanded, upon pain of death, not to that those that did straggle did do much spoil in gathering fruits not half grown, which doubtlefs was a great caufe of want.

Question 9th, -- Was any punished according to the rigour of that order with death?

07 -

Answer.-No, but some were made prisoners, and those who were S. MICH

notorious fwearers were whipt and burnt through the tongue, for that and other mifdemeanors; which was done in the time of general Venaeminently guilty, and fome had rid the wooden horfe, and two who were bles' ficknefs a little before our coming away. Question 10th. -But why should any be punished for going abroad to get relief?

back; but our men shooting at the cattle wounded many, and killing but few, made the cattle wild, and to run further from us, and much harder woods, fome having their guts trailing after them; fo that few were to be feen before we came away in those places, where there were thousands Anfwer.-Their going abroad was not only hurtful to the army, in spoiling castava and fruits, but also in making the cattle wild; for they were not fo wild but might with eafe be drawn into pens with men on horfeto come by ; for I heard captain Jones's lieutenant fay, in two days being fent to fetch in cattle, he had feen about fourfcore wounded cattle in the to be feen before, which being fuffered must needs bring fearcity.

Question 11th.—But why did your general come home?

came with the confent and, as I conceive, at the defire of the major part of test man to come home, for he was best able to give an account of the assists of the army to his highness. Further, he had not his health, and the doctors faid he would die if he did not foon go on shipboard; also he Answer. - That one main reason was, he was generally thought the fitthe field officers. · Question 12th. - But how did general Venables carry himfelf in his

pressing of sin and the promotion of godlines, and one that I conceive would have done it more had he fit instruments for his help in that kind diferent, general, exposing himself to the greatest danger, and sharing with us in our wants; and one that did in his place endeavour the supwhich I conceive was much wanting.

DANIEL How.

Trere also followeth fome abstracts of a letter from Mr. John Daniel, our affairs, to his brother colonel William Daniel, governor of + mutto Grieral of the expectation. St. Johnston's in Scotland; from whence I received the particulars following:

Lis Cotton is printed among Translock. Mate hapen for Lond. 1742.

dial could mitigate that poifon: Yet, feeming cheerful, they marched that day, Sunday, and Monday, through rough woods, fome favannas, and rich valleys. A plentiful island but very fearcely watered, which with the heat and hard marching parched all with drought. Monday the feventeenth of April colonel Buller's regiment, with five hundred of of the river (forded by colonel Buller) which the army could not then find tordable. The general immediately marched along the river to a fugar work, lodging that night upon a favanna without water, feven Our best councils advised to run into the town and harbour of St. Domingo suddenly, before knowledge of our approach, and that had certainly carried our business. The seamen no sooner hearing the proclama-WEDNESDAY and Thursday we hovered off Hispaniola in councils, and concluded the certain possession thereof without blows, (sharing the our gracious God, that hitherto had brought us fafe: and by commiffioner Winflow (always irrefiftable) affirmative death was ordered for any foldier to plunder or diminish the least; which, being proclaimed at the landing, proved fatal to the army. One regiment of feamen joined with us. tion against plunder, laid down their arms, and so most of the army by that example, though much fweetnefs was ufed by the general; but no corcolonel Holdipe's, landed in a bay fafe, near a fort were fir Francis Drake landed, about ten miles from the town of St. Domingo; and approaching and the walls they endeavoured to difmantle as the time would give them Jeave, which made colonel Buller purfue his march towards the town, through the narrow paffes of the woods, and by a guide was milled to fome plantations vacant and waterlefs near a ftrong fort, within three miles of the town. No fooner was colonel Buller marched from Drake's landing place, call, or view, but the general with the main army, after thirty miles tedious and weary march, came hungry, thirfty, and tired; and, being informed by a meflage from the rear-admiral who rode there to fecure that fort or landing-place and watering, that colonel Buller that fort, the enemy quitted the fame, leaving two great guns difmounted, lioning loving fkin) with fuch affurances as I believe much difpleafed was marched to the town, and the tide being come into the

miles from colonel Buller; and the next day, the eighteenth, we marched, and met with colonel Buller near the firong fort in the town roads the firelocks, the general's fecretary Mr. Temple, and the commiffioners falutes; yet, by God's providence and mercy, his excellency was mirawhere the enemy had ambufcades, and lined the woods; fell into our der of the reformades, captain Cates of the sea regiment, captain Cox of fub-fecretary Mr. Murford, who all with the general expected no fuch town; but, necessity has no law, all impatiently cried water, and fome Imbs and fainting spirits in confultations until Tuesday the twenty-fifth of April. The sea general all this while hovering before the town sive seagues off the fort (where Mr. Winslow being) no confultations could come to action without his and general Penn's stamp; which made our poble and unwearied general to have so many dangerous passages in little ground, and recovered all the bodies, and had not extremity of thirth, weaknefs, and night, refifted, would have that night entered the fainted, which regretfully caused a retreat at ten o'clock at night, brigantines to windward, for their confenting advice, which, every time forlorn, killed adjutant-general Walters and captain Jennings, commandiffering, caufed fo much delay, embarraffed our foldiers, encouraged our enemy, and gave time for all possible resistance to encrease their numbers. effect their councils, and efpy our weaknefs. We having no intelligence or knowledge of the country, our chief guide, captain Cox, flain, feeding on the worst of falt beef, unwatered, with all the mouldy broken dirty sweepings of the ship's bisket, which the falle stewards could give us, allowing us no brandy or comfortable liquor, caufed fuch immoderate define of water, which that river (coming from a copper mine) afforded rather to encrease than quench thirst; and the rain nightly pournone escaping that violence, that our refreshment proved a weakening initead of a support. However, another march was refolved, a small mortar-piece borrowed at Barbadoes, with ten shells, and two small drakes, and fome blunderbuffes, got affore, a very little proportion of brandy alowed to cheer our men, of which a good fpoon might have held one's thare, then highly fluxing; no harnefs nor horfes to draw, but all drawn by fome foldiers, mattocks and spades carried by others, which with their water, nearer than Drake's landing-place. Witl frong rear-guard to preferve the faint and fick men, we came ing with fogs and dews along the river, fo foaked our bodies with and no known

difordered and confused. Jackson sneaked into the bushes, like an old fox, and saved himself. Our most gallant, noble, and valiant, major-general Haynes, with whom and near his person (at his own great defire) I was myself all this while, was flain, lanced through the body, yet regainhis divition, fought it to death, and very orderly brought up his men until flain; fo did captain Pawlet of the firelocks fight to death, whom Jackfon feeing fall, inflead of relief, faced about and bafely ranaway. Thereupon all the forlorn immediately, as a torrent in a narrow paffage aim all along that narrow pafs; they in the fame moment routed the gewhich made the enemy weary with killing; and had not the rear part of major-general Haynes's regiment drawn into the woods, and so counter-flanked, beating back the enemy to the fort, regaining all the ground, bodies, and ambufcades, even under and befide the very fort, (which was woods, and many hundred foldiers, with the lofs of nine colonels, that is reformades, captain Pawlet's of the firelocks, five of the general's regiment, and two of the major-generals, to the great dishonour of ourfelves fide the woods for difcovering ambufcades, and cowardly neglecting the duty of his place (I doubt treacheroully,) put captain Butler (a flout but unexperienced foldier for fuen a defign) to lead the forlorn, who innofreightened on a fudden makes furious way into the fea, tumbled into The close thick woods encompassing the sides, where the enemy was lodged to flank us, and the fort great guns loaded with small shot, bits of iron, broken pisted barrels, and such mischief, had full power and sure neral's own regiment, and, altogether mixed and crowded, fell into major-general Haynes's regiment; never was any thing fo wedged as we, maintained all night,) our whole army had been in that fudden motion ed and brought off by his own regiment: this was a great lofs, as our ma-jor general, his lieutenant, colonel's clerk, died of their wounds. Macalabafnes of water, knapfacks, bad arms, &c. fpent our frongeft men; Tuesday the twenty-fifth day of April we ral Jackfon, commanding four hundred in the forlorn, advanced near the mixed like amass (infonarrow a pass) not able to contain above fix abreaft. fort to the town, where difobeying his order to have two wings on each cently fell into their ambufcades, but most bravely behaving himself with the reformades, they all as fuddenly tumbled into the horfe, they all Wednefday, adjutant-genefor Forgifon of the general's regiment, captain Butler, captain Fet, captain Hine, captain Hancock, with many licutenants, figns, and all the reformades, only feventeen excepted, got into marched, and lay that night in the woods. unferviceable.

can brave defigus ever succeed with such bridles, which I hope to be felf being a prefent eye witness there on the place, and amongst the crowd in the midst of danger, near the major-general's person, I have not, neither shall I relate, any thing but what I know for certain truth. I know a three-fold cord cannot be easily broken, but when they twist not prudent general, all things by him ordered; yet our ficknefs increafing, it was refolved again to fhip directly for Jamaica, where God hath owned us. I cannot now omit to exprefs fomething concerning this our. bufinefs, which I am fure the world will miftake in reporting; but myburied, our mortar-piece, drakes, spades, and shovels, all drawn off, and we safely all that day got to our old landing-place and fort. There we stayed our general's many goings to general Penn and Mr. Winslow, and every return created new councils; the rain increased, our men weakening, all ing in these our encreasing miseries. Our councils reloived by recamb Yet what God will must be done, and this our affliction I. hope will turn to mercy, if we be humbled as we ought. Thurfday the twenty-feventh of April, early in the morning, our general demanded of captain Hughes, whether he could play the mortar-piece; who answered no, for the fort had fuch command over all those places, that it eat up all our troop horfes, the enemy driving all relief from us, triumphing in these our encreasing miseries. Our councils resolved by seeking God to purge the army. First, Jackfon found guilty of cowardice, had his fword broke over his head for a coward, his commission taken away, to the two word the following are introduced in The upon, confidering the foldiers weaknefs, want of victuals, and most of all water, and also the former difcouragements, a retreat was privately concluded, a firong rear-guard appointed, the ten mortar shells neatly ple; which was accordingly done. Some women in men's cloaths we punished, and all suspected whores narrowly sought after; all officers strictly commanded to observe duty upon greatest pains. One of the major-general's (now Fortefcue) foldiers proved to run away hanged, and indeed, like a wife equally together they many times cut one another; and thus I am fure that in martial affairs, where commanders should execute like lightning, and those variable as the wind, according as the present emergency requires, and not go for consent of others to the loss of all. I well know his highness would never submit in all his past actions to such curbs, nor and er the army, and fo to be fwabber to the hospital ship of fick peo-This I heard him fay and confess. would beat them from it.

The original of another letter from Mr. Daniel to one Mr. Stirrope, to the fame purpofe, I have by me, and therefore I forbear to infert it.

work and live (for the future) upon their own endeavours, and fix plantations to be fupplied at hand (Europe being far off) for the further carrying on the defign, in what other place flould be judged most fit to attempt, according to my instructions. I fent also feveral parties abroad to discover the country, and attempt upon the enemy, and to fecure the and shortly after most of the regiments were fent to their feveral plantations as it fell to them by lot. I preffed again for bread, but it was an-fwered the men must work or rot: I replied their prefent labours must then, being very weak, ordered the council of war to fall about the diffributing the army into the feveral plantations, that they might fall to paifes into the mountains; who returned with fome prifoners and pillage, till they did reap the fruit of their endeavours, they would certainly be flay a time to receive a return of a crop, and, if they were not fupplied loft or rot before that day; but all, as above-witnesfed by letter, did take About this time I dispatched some letters into England to give an account little effect upon those who regarded not our miscry and fufferings.of our condition.

A LETTER TO SECRETARY THURLOE, JUNE 15, 1655.

SINCE my last we have only taken some prisoners, the rest continue in the mountains wanting houses, bread, and willing to submit, if not awed by a few and discouraged by some soldiers that are unruly, occasioned by extreme want, which to redress was the work of this day, and The Spaniards we shall remove, and endeavour to gain all of them by our we hope to make them good fubjects, being most of them Portuguefe.

We have not three weeks bread, and little die daily, eating roots and fresh ft sh (when any food is gotten) without fall fort both of bread, and brandy, S.c. of what was promifed and beand or very little, we not daring on a fudden to take them from bread; by degrees accultoming them to want that which none will have five We flruggle with all difficulties, about two thousand men fick. callaya in the country, of which the enemy feals a share. lieved to be provided for us

weeks hence, at half a bifket per diem. There must some block-houses be erected at the harbour's mouth, were our men able to work at such hard labour, though I sear indeed they will not be able to plant castava to firing death rather than life, though they have recovered their hearts (courage I cannot fay they had) which they lost at Hispaniola. Yet I am confident they must not be the men must carry on this design in the fpent my fpirits, to give fome competent accountby general Penn, who yesterday visited me, and told me he resolved for England to-morrow, a warning too fhort for me to be large, who am fo weak after five weeks feed them, or other necessaries to preferve life, many preferring nay defield, it may be they may in the country by planting, for I am confident had we raifed men over England at a venture we should have been better the council of war to defire me (if the Lord gave health) to prefent our condition to his highnefs and council, with some expedients which at fitted than by those affigned us; these with some other reasons have moved prefent are not refolved upon; neither am I able to enlarge, having quite flux, only fome few days intermiffion.

The inclosed is a true account of the island, which for commedities, air at leaft, equals any fituation among the Spaniards, and exceeded Hilfpaniola in the judgment of

Sir, your very obliged fervant,

RICHARD VENABLES.

A LETTER TO MR. NOEL, JUNE 13, 1655.

I RECEIVED yours concerning Mr. Blake, and the other expressing my lords mind in the managing this defign, which at present we cannot put in execution: first, because it was not positive in our instructions but conditional: fecondly, in regard there are but few plantations all along that coast to Carthagena, and in confequence not victuals for us: thirdly, Carthagena itself is five miles distant from any fresh water, and is fupflay there any time: fourthly, our tents not coming nor our flores, we doubted the rains (which would kill us all) would overtake us before we could gain any place of thelter, or make one; they utually on that plied only with rain water kept in cifferns; and so we were not able to

ing in the open air, as we must, and our men raw and unfeafoned to the climate. You were pleafed to affure me, by the colonel and commissioner. Povey, that one hundred tons of brandy were put on board the fleet for and our men die daily, as the phyficians tell me, for want of it and bread, of which none must taste five weeks hence, at the rate of half a bisket per diem; and fresh flesh and roots put them into fluxes, which spoiled at sea with wet; a supply of this also, with store of iron and jacks; without the laft not a man can march in thefe torrid regions, where water is precious and feant; and without the other we shall do little fervice in thefe perpetual wildernesses. And if you forget brandy, pended, nor probably to fee us alive. Our wants are great, our difficulties are many. Unruly raw foldiers, the major part ignorant, lazy, dull, officers, that have a large portion of pride but not of wit, valour, or accoaft, falling in the beginning of April, and defroying the natives if ly-Frequently our planting tools fall very thort; we must have more; forty fets apiece for fmiths and carpenters. I am informed that much of our cloathing is But I carnettly defire you to prefs hard for fwords and targets, and black We find a very great failure in this, steel, shoes, and linen, we want most. Match and flint waste daily, and bread, meal, peafe, and rice, never expect good of all that hath been extivity; but this must not be made public, though I defire my lord may Good fir, fir for us with vigeur, and you will not to be supplied here. Ammunition also, and a new squadron of fweep them away by ten and twenty per diem. the landmen, as well as the feamen. know it, but no more.

Sir, your very humble fervant,

RICHARD VENABLES.

A LETTER TO MR. ROWE.

fot; for when the treaty was betwixt the French governor and us, he was fo drunk that he fell from his horse and vomited, of which I have suf-I MUST of necessity inform you of a jarr that hath lately been betwixt captain Butler and myfelf, upon information given me of his fetting the officers in difgust against me, of which several complaints were made unto me; whereupon I told him of it, and indeed called him drunken

letter to Mr. Secretary Thurloc. Befides my weaknefs, and the feattering of the regiments into feveral plantations of the country, and the depargrounds of reason. That the old adage, viz. audi alterem partem may be my share is all I wish. I have enclosed sent you a copy of a part of a ture of the commissioners and seet which should transport from place to if there shall be any blemishes cast upon me or the army, move the council that they will not credit any rumours, but leave their own thoughts free till they have heard all parties, and judge upon clear proofs and place, and want of provisions, renders me incapable of doing more fer-Acient witness; and my lord protector as much derided by them, for employing fuch a man as he was in so honourable employment. vice to my friends.

Sir, I am your very humble fervant,

une 14.

RICHARD VENABLES.

leave he fent to me, in June 1655, to fign a post commission, dated December the 8th, 1654, for Mr. Poole his nephew, to take charge of the prizes, and at the same time a warrant for his discharge from that place, fettled for that and all other accounts that did concern the state, but was withstanding all entreaties, and his own promise to stay with us till a new sheet came, which was urged, would not be diverted; but before he took which contained an acquittance alfo; both which I refufed to fign, and by letter gave him my reasons, defiring that there might be an auditor preffed, The difcharge was not inferted, but the THESE things dispatched, general Penn prepared to return, and notrefused; but my figning the warrant and acquittance earnestly which I as constantly denied. The discharge was not inserted, fum of his pay left to me to infert. BY THE COMMISSIONERS APPOINTED FOR ORDERING AND MANAGING THE AFFAIRS IN AMERICA.

Jamaica, ff.

WHEREAS, we lately iffued out a warrant to Mr. William Poole, prize officer, requiring of him to deliver unto Mr. Samuel Crave, fue-

ereding him in the faid employment, a perfect account of all fuch prizes order, we do therefore hereby declare, that we fully and completely difcharge him the faid William Poole of the faid employment of prize officer, and in confideration of his pains taken therein, and faithful account. and prize goods as he the faid William Poole hath been hitherto intruffed withal; and that we find, by the receipt of the faid Samuel Crave, that he hath fully and intirely performed what was required of him by the faid

THERE were also letters writ by some of general Penn's officers to some of my friends, to entreat them to perfuade me to sign the warrant at least, but all prevailed not with me; therefore I writ him the following letter:

fettle, and without which the state will be a great lofer; and yourfelf gave directions here to draw an order for the same, though since Mr. Cary has assured me you denied to fign the order. But as to Mr. Poole, truly I do owe the gentleman all just respect, and shall pay it, but cancan vary from that refolution I fee not, being as ignorant of what he has tioning Mr. Poole, his honefty, and ability, we offered to commiffion him; you answered you had done that already. We answered, without our hands he was not our officer, and we must join others with him. The no rest the last night nor this day, which makes me make use of another's pen. Concerning the auditor, it is the place not the person I defire to not in this particular; and therefore must remind you of former passages commission was pressed by us to be accepted; invoices, bills of lading, &c. called for; none could be got; till at last a copy of some examinawondered, until Mr. Cary told the reafon before mentioned. Our war-rants to him to deliver any thing we declined, and yourfelf did answer We never had a to receive what was tendered to carry on the expedition; fo that how I done as the meanest officer that serves under me; and though I do not in-Your's found me in a most weak condition, my flux as violent as ever; We intended to fettle a prize office, and, upon your mentions, and a copy of invoices brought in, which was delivered by Mr. be got again, though often demanded; and yourfelt answered you saw it delivered in (when it was not to be found) which we acknowledged, but caufed Mr. Winflow and myfelf to refolve to meddle no more in it, only Cary, and immediately by Mr. Poole borrowed back, and could check upon him, never faw the original invoices or his accounts, you would order him to iffue forth what we defired. at Barbadoes.

tend hereby to blemish the gentleman's integrity, I desire not to be founderstood, but profess I cannot see how I can justify myself should I discharge him (as the paper tendered me doth) from all things; and yet know nothing nor see any charge against him, save what himself (a thing unufual) bringeth in. The letter to his highness I have altered, to satisfy captain Butler; lest out the beginning, and made the latter part what was first agreed upon; fleet that stays, I have reason to be pressing, being so much interested with the whole army in it, and having a vote in all things that tend to advantage the present design, yet like to know nothing till you are gone for as it now is altered it speaks a plain advice from me for your return, which you know I never declined to give. Concerning the ordering the what our condition will be to rectify the fame. I define it again, was order, it is not possible to rectify the fame. Sir, your civilities more and more engage, and my power to acknowledge (I dare not fay requite) lessens. I pray disfurnish not yourself for him whose weakness does not a little stagger the hopes of a speedy voyage, though I know God can raise from the dust. Your trouble and want of Mr. Lawes I am sensible of, being myselt under (I am certain) as great difficulties. My service to the vice-admiral and rear-admiral, with the rest of your officers, and captain Poole. I beseech you, fir, think not prejudicially of me, that I I shall in any thing in my power mawhat our condition will be, and if my expectations be againft what cannot comply with your defires.

Sir, your very real fervant,

June 18, 1655.

RICHARD VENABLES.

tions, and was more concerned than ordinary about this bufinefs of prize - vifcountefs Ranelagh; who finding the letter did much clear my innocence, shewed the fame to Mr. Secretary Thurloe, HERE followeth acertificate of Mr. Henry Cary, fecretary to his highneffes commiffioners; who, being prefent at all debates, knew all tranfac-He fell fick in Jamaica, and in the prefence of feveral drew the following relation, and, had not weakness prevented, had enlarged it to all other occurrences, according to a letter he had writ to the right honourable the lady R-

who defired it from her honour to shew it to his highness, but would never return it back again; by which means I am deprived of a most singular evidence as to my vindication, though that honourable lady is ready to But necessity hath confined me to what followeth: teftify what I affert.

eye-witnefs to all the proceedings of the right honourable general Richard Venables, through the whole courfe of this American expedition, right honourable general Richard Venables is not in the leaft liable to those malicious censorious reports, which his enemies labour to asperfe he judges in his confcience, and in the prefence of God, that the faid him withal; which, that it may more fully appear, he thinks good to col-Mr. Henry Cary, fecretary to the commissioners, is ready to lect briefly every one of them as they came to his knowledge:

Penn, intending to depart for England, fent a commiffion to be figned by the right honourable general Venables, impowering the faid William Poole to act as commissioner to the prize office, bearing date from the time general Penn had employed him in the faid trust, which was refused by general Venables for three reasons:—First, That he had no check all along whilst he discharged the same. of the prize office by general Penn alone, without the confent of the other commissioners, and without a check to controul his proceedings, in no time left for the copying them out, we being upon the point of departure. That he may make an end of all that relates to the fame business FIRST.—For what may be objected at Barbadoes, that he neglected the prize goods, for that the state might judge itself highly cheated. He goods and prize ships that were at any time seized on, but he for a long time refused to comply with their requests, but at length presented them cafe there should be any miscarriages, under pretence of copying out the notwithstanding, he retained them so long that they were fain to be left with the commissioners of the prize office erected at Barbadoes; there being at once, he is ready further to depofe, that the right honourable general nables and Mr. Edward Winflow did earneftly prefs the right honourable general William Penn to return them in an exact account of all the prize fired of me by the fecretary Mr. William Poole, conflituted commiffioner faid papers, promifing faithfully to return them again immediately; but, teftifies that he was often prefent when both the faid general Richard Vevery copy was dealong whilft he dicharged the fame: - Secondly, a copy, keeping the original to himfelf; which

having heretofore offered to general Penn to fign a commission to the faid William Poole, he slighted this proffer, notwithstanding the refusal of employment of the faid William Poole, as also of his accounts; which general Venables to fign the faid commiffion, for the reafons aforefaid, having not been examined by any auditor was thought very unreafonable: —Thirdly, By reafon general Venables and commissioner Winslow, general Penn gets commissioner Butler to join with himself in figning it; there was contained in the fame a total and entire discharge, both of the And this is the whole truth and nothing but the truth as I hope to The next objection of miscarriage in general Venables is usually the landing at Hifpaniola, fo far off from St. Domingo; in answer to which the same deponent, with the same seriousness and protestations as in the former deposition, testifies, that the landing so far off was extremely contrary to the intention and refolution of the faid general Venables.

fufed: but commissioner Butler, as I was informed, figned all without General Penn during these transactions writ to me the following letter, but though money was preffed for, yet no auditor would be established that Mr. Poole's and others accounts might be viewed, wherefore I reI have hitherto delayed a narrative of fome engagements betwixt neral Penn and myfelf, which was thus:

other; but he performed not, as he promifed, in giving my men no victuals, or fo fhort in proportion, also in denying to lend me arms for those tuals, or fo thort in proportion, and in and no use for them; in sending that wanted, having spare arms aboard, and no use for them; in sending myfelf, and therefore added that, feeing our own reputations, the honour that there might be that joint affectionate affiftance of each to other in rage any that might endeavour to fow division betwixt us, which would ruin us. He accepted the motion, and engaged folemnly to aid each At first, when I came abroad, I began to confider that, without mutual agreement betwixt us, all would be definoyed; and thereupon told of our nation, and (which is more than all other confiderations) the glory of God, whose gospel we went to propagate, did lie at stake, I defired all things as might enable ourfelves to discharge our truft, and disconif this defign did mifcarry, none would bear the blame but he and

away our guide, refusing to run the sleet into the haven, landing against vote and desire so far off the town, and suffering the seamen to traduce me: about which I writ to him. Whether he could have acted more But being ready to return for England, he writ to me to remind me of that a man professing religion, and employed about the advancement of formerly, without the leaft provocation from me, (fave my refufal to fign our engagement; without which letter I could not have proved our engagement, or his breach of faith, nor cleared myfelf in general particuars, especially in trufting to his word and promise; which made me not To cautious to prevent his defigns upon me; for who could have thought Mr. Poole's acquittance and commission, and a letter to his highness which contained my confent to his return) fent me a letter, with a ludge. destructive to the design than what he did, let all rational men the gospel of Christ, durit have acted so much for its enemies. ftrange clofe, which followeth:

SIR.

SEVERAL commanders of the fleet having, at the request of the late major-general and other land officers, islued out divers parcels of of their own purfes, which will be very hard requital for their readiness to comply with the faid officers in that exigency. Hoping you will concloaths, laid on board by the state for the use of seamen, for present supplying the necessities of several, and many of the soldiers in cold weather at coming out of England, I therefore defire you will be pleased to appoint some person or persons to receive the account thereof, and take some course that satisfaction be given to the said commanders; for, otherwife, they will affuredly be made at home to pay for the fame sider thereof, and let them have no occasion to complain.

I reft, fir,

Swiftfure, June 8, 1655.

WILLIAM PENN.

SIR,

HOPE we shall both bear in mind the mutual promise made folemnly between

between us, as in the prefence of God, of love, and affection, to be confidered inviolable between us; and how that if any fower of fedition projects either to other. I, for my part, have and do firmly adhere to the fame, and I hope you are like minded. If you have any commands lay upon me, now homeward bound, you shall find them with all should endeavour to dissolve so facred a tie, to discover such persons and faithfulness effected, and that I shall in all things study to be

Sir, your true friend and fervant,

WILLIAM PENN.

possibly omit the matter of business, the letter being very long, and my answer declares what the matters were. My letter followeth; But, having no return from me (to his of the 8th June, 1655,) unfuitable to our engagement of love, he fent me for his farewel another letter about fome bufinefs, the close of which fpeaks as above.

TO GENERAL PENN.

I defire may be discharged. There are prize ships enough to reimburse them, but for any thing I can see, if we exhaust the land treasury, the army may starve before supplies come; and if the money be above our I RECEIVED your's this instant, being scarce able to hold a pen, and The merchants debt on the committee of the navy by engage to join with you in it. For hides we have few, except fuch as are old or wet, and they refuse to take them at the same rates as other merchants give. The reason I signed not the bills of sale of prize ships was this, I know your order is sufficient without my hand, and I must sign with an implicit faith, knowing neither their worth or appraisement, and fum it is confiderable; and our commissioners at Barbadoes went beyond their commiffions and instructions, to charge money on us who are follow; ignorant of all the rates prefcribed in the particular; and some of those I desired might not be sold, but left to carry on the service. Sir, if you would be pleafed to fend any to receive the cattle, you should be fitted hence; or if the ropes fent hence to lead fuch were returned, we should and if you pleafe to draw an order to fatisfy them in England, I do heredefire may be discharged. weaker than ever.

ferve you to our power; but neither being done, though both defired, we were incapacitated to do it. The abuse offered your men I have given I defire your Sir, my flrength is fpent, yet one word I cannot omit, I have a little more of a gentleman in me than to break my promise or engagement of peace and love, having never been of a contentious spirit, and will be found as true of my word as any perfon in the world shall be unto orders to have it examined, and, being found, punished. help in it.

Sir, your real friend and fervant,

RICHARD VENABLES.

SIR.

tain Bingham and others aver, faid he was fent to overtake the packet to which this is an answer, and that it was a false and mistaken thing; it, and doth not much deny that other, which had raifed fome thought which expression questioning him about, he confessed he was sent to stay SINCE the clofing of my letter there came a feaman, who, as capin my mind, not being able to conceive the reafon.

badoes, or any other commodities, at Hifpaniola not a hide; and at Jathat were very good failers, good veffels, and very fit for the fervice of those parts; and some of them to officers in the fleet, who laded them But, notwithstanding all my refusals to join in the sale of ships, or dif-charging of debts, with landmen's money only, when there were prizes fufficient to defray all, yet he and eaptain Butler fold fome veffels and fent them to Virginia, whither himfelf also fraught the Katherine of these ships was had, for betwixt England and Barbadoes we touched at (which by his highneffes order, with all her ordnance, fails, and tackling, And here I should question whether the freight no place, and (though I enquired diligently) I could never learn that he, nor the officers that freighted those ships, bought one ton of fugar at Barmaica all the hides we could get were fold to buy fack and brandy for the army; fo that I am at a ftand to find out where they could possibly was given him, being a veffel of about five hundred tons, and be got, and therefore leave every one to their own conjecture. pieces of ordnance).

H

But,

before the fleet departed for England, I urged for brandy; it was I was told in England there was above a hundred, I think two hundred, tons of brandy aboard the fleet for fea cousin Poole, above thirty tons more at Barbadoes; but I do not know and landmen; we took, as I was affured from general Penn and the army ever had ten tons whilft I was in the Indies. anfwered there was none for us.

jecred at his highnesses commissioners. These things he practising at Jamaica, I told him of it, and defired him to reform; but he, being difguited thereat, associated himself with all discontented persons, and made it his business to rail upon and revile me, as Mr. Wentworth's letter, his own officers, to debate what was fit for the army to do, and no body which were not at the first incurable; but captain Butler, a commmif-sioner, falling in with them upon this account, Mr. Winslow informed general Penn and me how he got drunk at Barbadoes, and ran shouting before the French and most of the English gentlemen, that the French Whilft the commissioners and myself were transacting these matters, which encreased daily; so that colonel Buller called a council of war of (leaft they should add to my distemper) would tell me of these disorders, commissioner to St. Christopher's, to dispatch business there, lest his stay he was fo overcome with drink that he fell from his horfe, and vomited at Barbadoes should difgrace us: but there, in a treaty with the French, fome in the army were not idle in taking the advantage of my diffemper through the town; whereupon we fent him, with fome other officers, which followeth, will teftify:

May it please your honour,

with lieutenant Newton, was well informed of the fudden departure of concern, that on Thursday, before we came with the Mariton Moore fore, and which were not befitting a gentleman; which I fuppole was through excels of drink, and that feveral of his near retinue were ex-YOURS of the fixteenth instant I received, and, after interlocution this conveniency, which, out of a tender respect, I have to the vindicafrom Jamaica, I went on thore with captain Butler, who was commiffioner for the fleet, and faw fuch mifearriages by him as I never faw bedefire to make ufe of it. Thefe, theretore, may inform all whom it may tion of your honour, and that duty which I owe to Christian profession,

person or testimony may in point of equity serve you. In the mean while aforefaid, and that he with them were mutually fomenting expressions of discontent. I with inv tremely difcontented with the these lines are attefted by,

Sir, your honour's humble fervant,

Portsmouth, October 20, 1655.

JOHN WENTWORTH.

person of more interest at court than any man they could send. Replies They passed the following votes, which they affairs, was as dead as letters, and that none was fo interested in the affairs stay. I being gone, Buller propounded that an agent might be fent to England; for though I had writ, yet letters were but dead things, with-THIS carriage of his towards me gave fuch encouragement to fome officers, fuch as knew themselves guilty of misdemeanours, that, if I had lived, they must think to fusfer; but finding it the only way to their own his officers had before confulted about, fo that at my return nothing was done. But Buller came to me, to define a council might be called, to told them I must leave the matter and them together, being not able to One of the officers faid, a perfon without interest and unacquainted with to have proceeded on for the time to come. Colonel Buller, being the principal leading man, and all his officers with him, came to defire me to take notice of a vote of a council of war; when I, being gone to the army, and to put them into plantations, whilft I went to the fleet; but Buller in my absence, forced the commissioners to fall about what he and He defired me however to confult the officers. He had prepared all to his own mind, and I knew nothing of all this. Some of his affociates feconded him, I confented, and when they were met, I, not being able to flay with them, out one to folicit, hoping he had provided himfelf should be the man. fecurity, to lay all upon me, who was not likely to live to excufe myfelf, flect to the commissioners, who would not come to me, captain Butler residing there constantly, as though all his business and employment had been only for the navy and not for the army. I told you before how I had ordered the officers to fet conflantly to order the quartering of the of the army as the general (who was difabled with ficknefs), and was confult about fending into England, now the fleet was ready to depart. replied, I had writ already, and reprefented our condition. prefented to me for my affent: paft in the confultation.

H 2

AT A COUNCIL OF WAR HELD AT ST. JAGO DE LA VEGA, the 7th JUNE 1655,

PRESENT,

Colonel Buller,
Colonel Doyly,
Colonel Carter,
Colonel Holdipe.

Major-general Fortescue,

Quarter-master-general Rudyard,
Adjutant-general Birkinheud,
Lieutenant-colonel Barry,
Major Smith,

RESOLVED.

army, and shall return again within a twelvemonth after his departure, shall be uncapable of receiving benefit by any plantation, being a pro-THAT wholoever goes for England, to reprefent the condition of the portion as a member of the army. That we are willing, if the general pleafes to take the trouble upon tim of going into England, to reprefent the condition of the army and this island, to procure fuch relief and supplies as shall be needful for the That he shall dispose himself for the voyage as foon as he should think convenient. carrying on the defign.

That some one officer of the army be defired to attend the general into England, and that the officer agreed upon be colonel Buller. We whose names are underwritten, being field officers of the army, though not present at the council of war before mentioned, do treely confent to, and approve of, the votes and refolutions of the faid council, as they are before expressed.

PHILIP WARD,
HENRY BARTLETT,
WILLIAM SMITH,

MICHAEL BLAND, WILLIAM JORDAN;

Jamaica,

Jamaica, July 18, 1635.

SEVERAL CONSIDERATIONS TO BE HUMBLY REPRESENTED TO HIS HIGHNESS THE LOAD PROTECTOR AND COUNCIL, IN BEHALF OF THE ARMY IN AMERICA. AS we do, with all thankfulnefs, acknowledge his highneffes care, in it pleafed God, through his providence, to retard them—fo for the future it is humbly defired and hoped, that his highness will be pleafed, from ordering confiderable fupplies and accommodations for the army, though time to time, to order, upon the terms formerly agreed on, accommodations for cloathing of officers and foldiers, and all manner of working nerally fo hard, and tools edges fo bad, that they are fcarce ferviceable; as also bread, oatmeal, brandy, &c. Arms, ammunition, plank, tools and infruments, better than those now received; for the wood and medicines, &c.

ance as his highness thall think fit, and assign them such proportions of land as his highness thall direct, at the expiration of their respective That feveral from Scotland, or effewhere, may be fent to affift in planting; for which the officers, out of their pay, will make fuch allowterms: by this means we shall be able to make provisions for fuch as are already here, and fuch as shall be fent hither by his highness for further fervice, and they will be in readinc's for fuch other employments as his highnefs thall command.

That the allotment and diffribution of land to the respective regiments of the army, already approved of by his highneffes commiffioners, may be ratified by his highnesses sanction. The allotment made to the St. Christopher's regiment, which is to be reduced, excepted.

and granted, to fuch as shall defire to come from England or any other That fuch encouragement as his highnefs shall think fit, may be given English colonies. That in regard it may happen, as by experience it hath done, that the supplies ordered and intended by his highness may not seasonably arrive, by reason of contrary winds; by reason whereof, the army may be dif-trested and reduced to exigencies, his highness will be pleased to enable the army to take up necessary provisions for our accommodation of fuch merchant ship or ships as shall come into the harbours of this island, and to draw bills of payment on fuch treafury in England as his highness finall think fit, the fame not exceeding ten thouland pounds.

his highnefs thall think fit, for the government of this place; or impower fuch in the place as his highnefs thall approve of, to make and confittute, That for the better ordering and regulating this commonwealth, and encouragement of fuch as defire to live under a civil and fettled government, his highnefs will be pleafed to fend fuch conflitutions and laws as from time to time, fuch wholefome and necessary laws as shall be most fit for the ordering and governing of things here; and to erect a court and courts of juffice and equity, for deciding controversies between party and party, and power granted to allow fuch officers as shall be employed fuch falary as fhall be judged needful.

That, in regard much inconvenience hath been found by the diffine and independant command of the army and fleet, his highnefs would be pleafed to order that both may be under one command; and that power may be given to erect courts of admiralty, and grant commissions to private men of war, to annoy the enemies of our nation. That his highness would please to allow, that such merchant or merchants, as shall be willing to advance the service and plantations of this island, may have all due encouragement; and fuch person or persons, as his highness thall pleafe to authorize and appoint here, may be enabled to treat and contract with him or them accordingly.

That, forafmuch as the officers have found, by fad experience, that the apt to receive impressions of sear, and basely to desert their officers and service, his highness be humbly desired, for the more effectual carrying on the war in thefe parts, to order a confiderable supply of well difciplined, approved, and experienced, foldiers, fuch as have been accufforned to hardfhip in Ireland or elfewhere, well accommodated with provifions, generality of the private foldiers of this army are men of low fpirits. leather bottles, tents, &c.

RICHARD HOLDIPE, JOHN READ, WILLIAM JORDAN,

EDWARD

VINCENT CORBETT, FRANCIS BARRINGTON. EDWARD DOYLY, HENRY ARCBOLD, HENRY BARTLETT, ROBERT SMITH, PHILIP WARD, MICHAEL BLAND, SAMUEL WILLIAM SMITH, RICHARD FORTESCUE, CARTER,

general Penn and captain Butler to let them know I now defpaired of lik, defiring them to come, that we might break open his highneffes last and close commission, which was thus indorfed—Not to be opened but in the commillioners), or any two or one of you, the rest being dead or absent, that, in case general Venables die, be disabled, or absent, then you, or any Penn's place, upon the fame grounds and occation. Within two days Vice admiral Goodfon was appointed, by the committion, in general after, I fell into a calenture; and now I cannot relate any thing to my own knowledge; but I find, by circumstances as well as other relation, that I continued in this distraction about one month, and was then in that condition carried on board, the phyticians advifing it; in regard fent to his highness, in order to the better fettling of affairs, and preventing cafe of the death, dilability, or absence, of one or both of the generals-Ihad, for about a fortnight before, left the command of the army to major-general Fortefcue, and was now confined to my bed. They delayed two days, though I fent feveral messens:—at last, I caused it to be opened before the officers, and, according to its contents, nominated major-general Fortefcue, and refigned my command to him, figned his committion, Captain Butler came into my chamber, with fome trouble of mind), but he refused to join with me to The words of the commission ran thus: - " We do impower you (naming two or more of you, as aforefind, do choose and appoint some other person whom you judge most fit to succeed inhis place, to carry on the service there." made not any hafte to go, intending to fettle things fully there; but my and general Penn joined in it. Captain Butler came into my chamber, just as I had refigned my command, and spake to the officers to acknow-Butler, finding THESE preceding proposals were also given me from the army, to preledge the major-general as their commander in chief. Butler, finding the fymptoms of death, he and Buller fmiled upon each other (which appoint a general in my place, according as the commillion required. for the future what had formerly been the prejudice of the army. These were delivered to me to prefent to his highness in England,

maica, they hoped it might flay again; however it was but an adventure, no hurt Suld follow to try, for at land I could not live, and at fea perhaps I might recover; and, if not, it was not material whether worms or pecting I would certainly die. At last we put to sea, where others that went pretty well on board died within a sew days, and I the first night that no means they could use did prove effectual to help me, and my flux having stopped at sea whilst we came between Hispaniola and Jaby us, fometime pretending one thing then another; though this was fpoken of before, yet being now more neglected than ever, I cannot but fish eat that poor and almost consumed remainder of me. Upon this, I was carried on board July, 1655, and there kept nine or ten days, exactitation of the sea nor the noise of the men feamen not delivering the bread and brandy, the chief prefervations fpeak of it again; and defire the reader to look back into captain Howe's away by forty, fifty, fixty, yea fome weeks a hundred, by fevers and and Mr. Daniel's letters, writ from hence, and upon the occafion of the army's necessities.—Mr. Daniel, being our commission, received the provisions from the seamen, and is therefore best able to speak of their ber the fad condition of the army, being infected with difeafes, fwept fluxes, caufed by their want of foodor unwholefome diet; neceffity caufing them rather to chuse unfound or unhealthful food than none at all, the demeanours; and what he writ he complained of to me before their faces, before I take leave of Jamaica, I cannot but with trouble of spirit rememagainst sluxes in those parts, delaying our supplies, though daily urged juffifying the bafeness and rottenness of the bifcuits, and their denying for what quantity they pleafed to name, or elle refufing to deliver any to weigh them, but requiring acquittances from him and captain Bamford diffurbed me; fo that within a week I recovered my tenfes again. flept foundly, neither the

writ to me feveral times, when I had occasion to go to the commissioners were, yet I must go to them (that were in health) or all must sink or fwim for any care they took. His letters follow; The officers and foldiers preffed to have their trunks on fhore, but were that the feamen had carried their necessaries back into England, when they returned with general Penn; wherefore major-general Fortefcue about bufinefs, they keeping on board and refufing to come to me to difpatch bufinefs; fo that how weakfoever or unfit for bufinefs or travel I not permitted to go on board for them, and fome of them complained

May it please your excellency,

form general Penn of the general complaint of officers and foldiers, of THE army are in great want of provisions, as also of match and gun-powder, and that if you please to order a sudden march it is necessary the soldiers be supplied with biscuit, at least such of them as shall be come to receive their goods, and that boats may attend that businefs, would pleafe to appoint any certain day when officers and foldiers should drawn forth for any fervice. I defire your excellency will pleafe to in-We want our hoes, mattocks, &c. the feamen's refufal to carry them on board to fetch their goods. and to make but one trouble of it.

Your most humble fervant,

May 29, 1655.

RICHARD FORTESCUE.

ACCORDING to your order, I fent four hundred men, commanded by major Bamford, with fixty horfe, to fetch up the provisions and ammunition which general Penn promifed should be landed early this morning, whereby we might have been enabled to march, according to your order, towards the enemy, who fill remain refractory, as appears we came away. Sir, the foldiers have not had any provifions almost forty-eight hours, but one bifcuit a man fince we came hither; by reaed from the feafide, and affures me there were no provitions landed when assured there is but one way and none other near it; much of it is end of two leagues, fome part half a league, according to the enclosed by the enclosed; but, contrary to expectation, one of my officers returnto the place where the enemy are encamped, which is from hence eight leagues, and I am through favannahs, part through a mountain, water fome part at the fon whereof they grow very weak and are much enfeebled. enquired concerning the ways and passages leading

May, 1655.

their advice drew out two parties, one of a thousand four hundred, to CPON receipt of your letter, I fummoned the field officers, and with

march by land, and another of fix hundred, to be transported by sea, and have appointed officers to command them; but, when I sent commission fary Daniel to take an account of the provisions sent last night by the party, being thirty bags of castava, he certifieth, under his hand, and will aver before you, that the whole weight is not two thousand pounds, as appeareth per the particular inclosed; which is judged too fmall a therefore fent Mr. Daniel, with the advice of the officers, to inform you of our condition; and that we conceive there was a great mistake in those that fent the provisions on shore, who alledged there was fix thousand weight, and demanded a receipt accordingly; but Mr. Bamford refused to give them a receipt for fo much weight, because all the bags were broken, and much of the bread embezzled. The truth is, the army are genedown yesterday to the seaside could have brought treble the quantity that was sent. If we might know how much should be landed, we The party I fent I do, with the officers advice, reprewould fend parties accordingly. I do, with the officers advice, reprefent the army's condition to you. We want medicines for the chirurgeons. proportion not only for the army but the party commanded out. rally in a very weak condition for want of provifions.

May, 1655.

He affirms that, being on board the Matthias on Saturday the eighth of June, 1655, enquiring of captain Kirby, commander of the faid vellet, the faid captain Kirby faid, that he received a check of general Penn for revealing what flores he had in his ship, with this faying,—You can have no Here followeth the testimony of lieutenant-colonel Ward:stores on board you, but you must be babling.

MEMORANDUM-There were in the ship's cabin, when this was spoken. captain Pegg, lieutenant-colonel Buthell, fick in bed, Mr. Garviner, and commissary Pain.

So that all may fee how the promifes of general Defbrow were made good to us, who affured us, that what was on board should be for the landmen as well as the feamen, and also what civilities we might expect from the feamen, to afford us relief out of their own flores, who concealed and withheld our own from us.

the officers to defire my return for England, to reprefent them to his highnest, but I was never permitted to speak; only Mr. Secretary Thur-Their wants and fufferings were the cause, I suppose, which moved siderations, which were directed to his highness; which I did, but never And now, being on board, I shall take leave of Jamaica, and fail for England to discharge my trust to the state and army, in representing the condition of those parts, and what might most advance the service, and which way was most probable the design may be carried loe writ to me, when in the tower, to fend him the officers humble conon; which I did in the tower. I had a most comfortable and sweet passage homeward, and, when I came northward, gathered strength exceedingly, my weakness confidered. We landed safely at Plymouth, September the tenth, 1655, having not felt one florm; --but that was So foon as I came to Portfmouth, I writ to his highto follow at land. refs as followeth: heard more.

. May it please your highness,

I DOUBT not but general Penn hathinformed your highness of the weak cond tion he left in in, out of which all that faw me judged it was impossible for me ever to recover; even the phyficians defpaired, except change The extreme wants of your forces in the Indies. pious defigns, and be temporally and eternally happy, is, and thall bethough it was doubted I could not live to be put on board; yet, death being certain if I stayed, it was resolved to adventure me; in were alfo recommended to me (by the officers) to reprefent to your at prefent incapacitated to discharge that trust, unless it shall please the Lord to give more ftrength or bring me about by sea. And, in the interim, that your highness may be bleffed with prosperous success in all your but, as my great weaknefs difabled me to travel by land, regard I could but die. the prayer of,

Your highnesses most humble and faithful servant,

RICHARD VENABLES.

TO MR. SECRETARY THURLOE.

Honoured Sir,

I no perfuade myfelf that you have had a report by general Penn's fleet of my death, which was most probable, my returning being def-paired of by all men, even the physicians; and change of air was the last of remedies, all others failing; though it was thought by most I should never see the sea. Yet being I could but die, it was resolved to adventure me, though I was a mere skeleton, and had at times been in a I came on shipboard; and yet continue but skin and bones, and so weak Though my heart longs indeed hafte is extremely necessary. If the Lord bring me safe to Lonraving condition about three weeks, and continued fo about a week after that I cannot ride or scarce sit, except very eafy, and therefore not able to travel by land, but must come about up Thames. Though my heart longs to inform his highness of the state of his affairs in the West Indies, and don, I shall fully inform you of all, which I dare not commit to paper, being conftrained to make use of another's hand, for which your pardon is earnefily defired by

Your very humble fervant,

RICHARD VENABLES.

To THE LORD LAMBERT.

My Lord,

had at times been in a raving condition about three weeks, and continued MY death being reported by most, and the impossibility of my recovery believed by all general Penn's sleet, I perfuade myself hath by them come to your ears, fo that you would rather suppose the certain news of my death had now been brought you, than that I am in the land of the living and fo near you; indeed all men, even the phyficians, defpaired of my life, the air being fo much my enemy; and therefore it was it was refolved to adventure me, though I was but a mere skeleton, and refolved that I should go to sea, though most (and not the least judicious) thought I should never come on board alive; yet being I could but die

fore not able to travel by land to London, but must come about up Thames, though my heart longs to inform his highness of the state of to a week after I came on board, and I yet continue but fkin and bones, Lord bring me alive to London, I shall fully inform you of all, which I dare not commit to paper, being confirmined to make ufe of another's and so weak that I cannot ride, or scarce sit, but very eafy, and therehis affairs in the Weft; but indeed hafte is extremely necessary. hand, for which your pardon is earneftly defired by,

My lord, your lordfhip's most humble fervant,

RICHARD VENABLES.

The like was writ to colonel Sydenham and general Defbrow.

But, though I preffed so earnestly to come to London by sea, yet was denied, though so weak that I had like to have died on-board before I came to land. However, being commmanded to come away. I got a coach and one to support me in it, and so came to London; and the perufe my papers, and confider the thing fully, and I would then give, him a full answer.—He denied me that most just liberty, which a heathen However, being comminanded to come away, I got a fame day went to fecretary Thurloe, to acquaint him that I defired to wait upon his highnefs, who appointed me to attend the next morning to that end, which I did; and was at last called in before his highness and the council, who demanded of me who fent for me: I answered, the army had defired me to come, to reprefent to his highness the state if I had ever read of any general that had left his army, not being commanded back: I replied, I supposed history would clear it, though my memory, discomposed by fickness, could not at present call it to mind; not expect to be called to an account for this thing, and fo was not prepared to answer; and humbly craved respite for a few days, that I might bly begged it again, and was denied it; and this added, that I must then it might be read; but was denied, and was told colonel Buller was the of his affairs there, and their extreme wants.—He then demanded of me alked me if I had any thing elfe to fay in my defence: I replied, I did denied not to Paul, to have time and place to defend himfelf. I humthen replied, I had the army's vote, which I then produced, and defired speak, or what I had spoke would be looked upon as all I could fay. a fad example! but at laft named the earl of Effex. - He replied,

he only my affiltant; and again preffed to have the votes read, to juffify I replied. I humbly conceived myfelf was the man, and my allegation; but was denied, and urged for my further anfwer. I faid I was waited with ficknefs, fo that I was incapacitated to counfel myfelf, a month after those votes before I came away, to see if I should recover to as to be able to discharge the duty of my place, but grew daily worte. till I was at last deprived of my fenses, and knew not what I did or spoke; and in that condition, by the phylician's advice. I was carried on thip-board, to try if the fea would (as it had done formerly) flop my flux; the which words also running through the body of the committion, to impower the commissioners to chuse a new general, which commission was executed accordingly, and major-general Fortescue chose into my place a month or near thereabouts before I came away, and executed the same much lefs able to command or direct the army; and that I stayed above highnefies commiffion, which was indorfed thus: Not to be opened except in case of the death, disability, or absence, of one or both of the generals. accordingly. I added, I had much more to fay, but except I had time (which I again earneftly begged, but was denied) I could not at prefent add any more, however craved my weakness of memory might not be for if I staid at land I was a dead man, and it was but the trial of one ex-Befides, I added his periment, whether the fifth or worms must eat me. made my crime. I was commanded forth; and prefently Mr. Scobell fent to me for the but I had a copy before. I waited. At last the council rose. I met with colonel Sydenham, who told me that he was forry for me, and that know his command, not being in a capacity to attend it. He told me the clerk would acquaint me with their order, and that I must stay; officers votes, which I defired them to give me a copy of, but he did not; the hand of God should be the cause of my fuffering; for he faid my I spoke also to the lord president Lawrence, to the council's order, with a very civil apology for his acting. I moved that he would give me leave (being faiting and very weak) to go home, or at least to fome cook's thop for fome refreshment, and time to fend for fome necessaries to carry with me to the tower: all which, with much compassion and respect, he granted; so that I returned home with his servant, assuring him that, if he would trust me, I would that night present myself with the council's warrant to the lieutenant of the tower, which I did, and the ferjeant at last came to me and acquainted me with fentence was fevere.

by I was not able to go, much lefs fly, and that I was not confcious to myfelf of any guilt, and fcorned to bring my innocency and former fervice fo much into question as to blemish myfelf with a thought to escape When I came home, fome friends came to vifit me, who offered Whereupon I writ to the lord prefident Lawrence, and drew up a petition, which my wife and triends prefented, both which follow: their fervice to affift me in any thing they could.

MY LORD,

move your lordship to prefent the inclosed petition to his highness, if your lordship judge it meet, which is submitted to your lordship's pleady to be the man that brought it, and a very fad one, which affects me more than, I perfuade myfelf, the news of death; being that my most dear reputation, purchased with the loss of my blood and limbs, and thirteen years faithful and not unfuccessful fervice, and all called into question by this blow. I perceive my plea of his highestles additional inlieve my coming away was not fuch a capital offence. Your lordhip's piety, and confidence of your favour herein, hath emboldened me to fructions for the choofing a commander-in-chief, in cafe of the death, difability, or abfence, of either of those then in commission, is wholly AFTER your lordship was pleafed to tell me, that the clerk of the council would acquaint me with your refolves, I found Mr. Serjeant Denwaved, it pre-fuppoing all thefe; which must needs induce me to be-

My lord, your most humble and afflicted fervant,

RICHARD VENABLES.

To HIS HIGHNESS THE LORD PROTECTOR OF ENGLAND, SCOTLAND, AND IRELAND.

SHEWETH,

THAT, upon fignification of your highnesses displeasure, in his commitment to the tower, he humbly by petition made his address to your highness,

he shall (with much more quietness of heart) undergo any jurther mark of also may have opportunity to represent to your highness the series of his management of that trust your highness did commit to him; wherein if he be that a confinement to his chamber might at prefent be only inflicted, in regard great weakness yet continuing, and fince that time some further year of its increase arising, he is necessitated most humbly to implore your highness, so far to commiserate his sad condition as to grant him so much enlargement as may afford the benefit of air and physic for his recovery; and that he your highnesses displeasure, and your highnesses favour herein shall engage of his great weakness and many pressing occasions; but that (as he humbly conceives) not coming in season to your highness, he again humbly imploreth your highnestes favourable consideration of his afflisted condition, and his not able to evidence he hath been faithful, though Providence denied success your petitioner ever to pray.

RICHARD VENABLES.

I DESIRED that I might be only confined to my chamber, in regard of recovered) bring me in to answer any charge that should be brought against by his highness, and the warrant for my commitment, which followeth: covery, and offered ten thousand pounds bond, and persons to be security with me, who would also be bound, body for body, that they would (if I being the of September, 1655, carried to the tower, and delivered prisoner to the lieutenant of the tower, colonel Barkstead, since knighted my extreme weaknefs, that fo I might use the help of physic for my reme, whenever called to; but all was refused, fo that I was that night,

OLIVER, PROTECTOR.

forces fent into America, hath without license deserted the army committed to his charge, contrary to his trust, these are, therefore, to will and require you to receive and take into your custody in- our tower of London the body of the said general Richard Venables. herewith sent unto you, and him to keep in safe custody until you shall receive order from us to the contrary. Hereof you are not to fail, as you will answer the contrary, and this shall be your warrant in that behalf. Given at Whitehall, this twentieth of Sept. 1655. WHEREAS general Richard Venables, being general of the English

To JOHN BARKSTEAD, esq. lieutenant of our touer of London.

to vifit me, fome perfuading me to fubmit myfelf to his highnefs; for if I came to a trial I should be fentenced; but I still defired a hearing. I HAD not continued many days in the tower, but feveral friends came Some others told me, that fome godly men were told that it would not be well taken if they went to vifit me, for that the vifits of godly men did make me flubborn, and kept me from fubmission; and thus it was fought to fet godly men against me as my enemies, and to deprive me of the comfort of their company, counsel, and prayers. My friends were not idle, but moved for enlargement, for air, in order to physic and health; and at last the lady Melton (to whom general Lambert was ever respective) had this return from him, that she must perfuade me to her answer, which was, that the next day I must be cried about the streets, if they had any fault to charge me with, she defired them to pro-Prefently after the lord Fleetwood, lord deputy of Ireland, was pleafed to honour me with his person; to whom, after other discourse, I said that I looked upon myfelf as a prifoner for form only, and not for offence; it being fit that a private person should rather bear the blemish of any miscarriage than the public, and that I was content to to do; but defired him not to let me be too much a fufferer, for, before I would die like a dog, I would fpeak like a man. He defired me to give him an account of the state of, those parts, for his own private fatisfaction, and that he would not impart them or moment charged against me; otherwise, I supposed, he would not He promifed me too his utmost friendship, which did much fatisfy me that there was not any thing of concernment fubmit, and I should be enlarged. She fent me word of it, and also ceed against me, or to set me at liberty if innocent. have made me fo large a promife. to any other; which I did.

About the 10th of October, 1655, Mr. Eaton, paffor of the church of Stockport, came to fee me; and within a few days brought me a meffage from my lord Fleetwood, which was, that he defired me to fend him answers to fix queries, for his own private satisfaction. gies with my aniwers here follow:

MY LORD,

MR. EATON told me you defired fatisfaction to some particulars, he mentioned them, to which I befeech you receive the anfwers: Ift.—Was there a contention betwixt general Penn and me about place? Truly I know not that ever we frove, fave to give precedency each to other, though ufually he had it at fea and I at land; only Mr. Winflow told me at Barbadoes, that general Penn having feen the commission and instructions at Portsmouth (which I did not) he excepted against my being named first; upon which (all being still unknown to me) he was named first in the instructions and I in the commission, which the erasures Mr. Winflow bade me observe) caused me to believe.

-That I took too much state upon me at Barbadoes.

ther doth my heart accuse me of any act; but conceive the grounds of this report (and have heard it) arises from the governor of Barbadoes, his not avoid, lodging at his house; and it hath been and yet is the practice of that island, that whither the governor goeth or rideth his marshall goeth with him and bareheaded; and I think twice my marshall, without My lord, I confess that I remember not any thing of that nature, neimarshall going before him and me bareheaded to church; which I could order from me, went in that posture before us to church; but if any can prove that my marshall did ever ride or go with me at all, much less bareheaded, as the other's did, I confefs the fault.

3d. - The factions in the army were occafioned by bad conduct.

mand, and do believe that true; yet I can prove they fell out thus: that major-general Haynes expected the command in chief, and went out of England in the confidence that I would not come, and before we left Barbadoes I had many frong prefumptions that he hoped to gain the I answer, that before I went I confessed my unfitness for fuch a com-

ries for the fleet and army, which were exceedingly retarded by fome of th.—As for our long ftay at Barbadoes.
anfwer that a perfon of honour charged it as a fault upon me, that I left that place before our flores came, and indeed, my lord, all the officers grudged at it; neither did we stay longer than to provide necessa-

5th.-Landing too much to leeward.

place My lord, myfelf and officers did vote for the River Hine, except beaten off, and general Penn's infructions were that he should transport us from

I am no feaman, and profesied my trouble at the was on board the vice-admiral, to bring us to the river, till I was When I went to general Penn I knew nothing but that our guide (as he told The guide did bring us weftthing, as I can prove, neither knew I any port or part of that coaft.place to place as the fervice did require. ward of the river. I am no feaman, an told we were past it. 6th.-Marching about, when major-general Haynes advifed a nearer

My lord, we had not one man amongst us that knew one foot of the way from our landing place to the River Hine, and therefore no man can Butler were earnest, notwithstanding our men were long fasting, to march to seek Buller, lest he might be cut off; which we did, and no man was ordered by general Penn to stay at the ford for us) marched away lay we went out of our way there; and when we came to the river there against order, and carried the guide with him, which put us ten or twelve miles out of the way; but major-general Haynes and captain knows but we went the nearest way, and I believe there was no other. was a ford which we fearched for, but found none. Colonel Buller

My lord, I have briefly given your excellency an account, according as the fhortness of the time did suggest things to my thoughts, but I have something more to add when I have with more deliberation confidered. the particulars, and therefore humbly defire that this may not be taken as the utmost can be pleaded by, my lord,

Your excellency's very humble and obliged fervant,

RICHARD VENABLES

Fleetwood did promise to assist him in it. Whereupon I drew the follow-I could have fpoken more fully and more particularly, but I conceived this general answer most rational, and therefore referved for a trial, After this Mr. Eaton came to me again, and defired me to draw a petition, and he would prefent it to his highnefs; and my lord ing petition, October 23, 1655: if called to it.

To his highness the lord protector of England, Scotland, and Ireland,

THE HUMBLE PETITION OF RICHARD VENABLES.

fometime; in regard of his present weakness and many occasions, which much pressed sim; but not being delivered, as he humbly conceives, until after his commitment; he now most humbly imploreth, that your highnesses elemency THAT, upon the fignification of your highneffeedifpleafure, in his commitment to the tower, he made his humble address by petition to your highness, that a confinement to his chamber might only have been inflicted for from his impriforment, that he may be enabled to make ufe of some means for his health, and may have an opportunity to lay before your high-nefs the whole fervices of his behaviour, in the bufinefs he hath been fo unhappy in; wherein if he be not able to manifest he hath behaved himfelf faithfully, though accompanied with crofs providences, he is ready to abide with much more fatisfaction any further or other mark of your displeasure; and your may so far commiserate his fad affiction as to grant him so much of enlargehighnesses favour herein shall oblige your petitioner ever to pray.

RICHARD VENABLES.

SOME few days after, Mr. Eaton returned to me, and told me his highness was in great rage upon reading it; and cast it away, faying, I would cast the blame of all upon him. After this, Mr. Eaton came to me and told me, that there were some further exceptions against me, to which I gave him my answers, which here followeth:

Objection for f.—A proclamation against pillage.

Answer.—I did nothing in that but what was the commissioners order, which by my instructions I was bound to observe; and therefore, though udgment, (which is before cleared), yet was conftrained to do it, left the neglect should be charged upon me.

Anjwer.- I was no feaman and knew not any port, and must land Objection fecond .- Our landing to the westward.

Hine; from which place, unlefs beat off, we refolved not to go, as the votes yet extant will declare; but our guide brought us elfewhere, which was not my fault; that part of the fervice belonging to the feamen where the feamen would bring me. Myfelf and officers voted the River over whom I had no command. Objection third.—Our retreat the first time after the enemy was beaten.

An/wer.—Ist. Our men at that instant were fasting forty-eight hours, and both men and horse died of thirst. 2d. They wanted ammunition.

3d. Our guide was stain in the fight. 4th. It was so dark we could not The retreat was voted for these reasons by a council of we marched up the river, it was five miles, through woods, no guide to lead us, and fubject to ambushes; and also the town would lie between 6th. Had fee a place to affault. 5th. If we could, we had no ladders. us and our fleet.

Objection fourth. - The drawing off the mortar-piece.

not advise it, seeing the foldiers had lost their hearts and always left their mortar-piece; upon which the officers voted they would not draw off The fire-mafter came in and offered to take the place with the before the next day at funrife. The pioneers would not be drawn, nor any other, though myfelf and officers did, fo long as we could fland on our legs, endeavour to procure men to work for money or any reward, but none would; and captain Hughes refused to play the piece without were forced Answer .- The army had a panick terror upon them, so that the offias foldiers we were bound to go on, but as christians they would a breaftwork: fo that he declining, and no workmen to be got, according to the council's vote, the army fainting for water,

Objection fifth. - My breaking up the commission alone.

Answer. - I fent for the commissioners, and, when no man expected my continuance in this life for twenty-four hours, they delayed two days; and then only captain Butler came: fo that unlefs I should have fuffered the neceffity of his highneffes fervice requiring it, I hoped I did that which his highneffes fervice to be prejudiced, the infructions being in my hand, if loft, as possibly they might all have been in confusion; and therefore another neglected for the good of his fervice.

Whereupon I drew one for him, which he deli-Wr. Eaton told me also he had spoken to his highness concerning me, who said to him, bring a paper from him, and I will get the business of his liberty effected; which Mr. Eaton told me, and said that he thought his highnefs intended the last paper I gave him, containing my answer vered to his highness; which his highness, when he had read it, was difpleafed with, cast it from him again, saying it was not the paper; and that he observed that time, and ever after, his countenance was changed against me; for he expected a petition acknowledging an error.

Eaton came to me and told me all: upon which he concluded I must petition beforementioned; who told him that would not pleafe, for it die in prison, except I acknowledged a fault, and earneilly pressed me to try what I could say. I replied I would never be a knave upon record under my own hand, being innocent. If I had offended, why was I not questioned? He faid it would never be used to my prejudice. Upon Mr. Eaton went to my lord Fleetwood, and shewed him a copy of my defired a trial, and my lord expected a fubmiffion. Whereupon Mr. which I writ to his excellency the lord Fleetwood as followeth:

MY LORD,

MR. EATON came to me this morning, and gave me a fad account of the diffike conceived against my petition. The reason of my drawing of it in that form (having none to advife me) was, because I thought his highness and council did desire to see me cleared of such aspersions as were by others cast upon me, especially in a printed paper which they were pleased to suppress, and imprison the printers besides I hear some others do intend a charge against me, and, should I acknowledge mytelf guilty of what that paper or they say, I should wrong my confcience not a little forry that it was construed otherwife than what was my aim and cause, and also exclude myself from all other plea in my own defence; but though it has difguiled, yet it was not so intended, and I am But what is charged upon me as a fault, viz. my return home, I shall in that particular throw myself at his highnesses seet, so far as I act not against conscience (which I hope is not defired), and wave all arguments which I alledge in my own behalf. I do consess my heart did run homewards, in regard that, after near four months trial, I grew daily and end.

ing nor drunkennefs, but admonifhing. Am most heartily grieved that I should do no better fervice there, and have offended his highness by my return, whose fervice your excellency knoweth I defire to promote, though restrained; and whose prosperity with success to the cause of God unusfefulness there, yet judged I might do more good here. 3dly, The great disorder and wickedness in the army, which, though I endeavoured by all means to suppress, yet, 4thly, The officers were so far from affifting, that they rather indulged the foldiers, never punishing fwearin his management is by none more unfeignedly prayed for than, my lord, 2ndly. The great wants of the army, and my worfe and nearer death.

Your excellency's very humble obliged fervant,

Tower, October 26, 1655.

RICHARD VENABLES.

I also drew up this enfuing petition.

To his highness the lord protector of England, Scotland, and Ireland.

THE HUMBLE PETITION OF RICHARD VENABLES.

SHEWETH.

diffemper depriving him of ability so maturely to consider the thing as the weight of the matter did require), he cannot in conscience but endeavour to conceived against him for his return home without your highnesses licence (his remove the great prejudice your highness hath contracted against him for that inconfiderate act, but most humbly implores that your highness in clemency would be pleased to commiserate his sad weak condition and sufferings, and to THAT your petitioner, being made fenfible of your highneffes displeasure, wave your highnesses indignation (occasioned by that indiscreet act) against him, grant him enlargement from his fad confinement; and, as in duty bound, hall not only endeavour, but ever pray, &c.

RICHARD VENABLES.

IT is evident this petition owns no fault, fave the hand of God upon me, depriving me of my senses, and that I came away in that condition;

delivered, and folicited the fame fome few days; but, having flayed about three weeks in London, and difpatched all his own occasions, he came to me and took have of me. I defired his flay a few days, but he would not; yet did not doubt but God would appear for me, and deliver me thence, and clear my innocency: upon which I moved the right honourable lady vifcounters Ranelagh and fir John Clotworthy, who in two days brought my discharge, of which here followeth a copy: torted from me, and Mr. Eaton, whom I ever honoured as my chiefest friend, over-entreated that from me which all other perfuafions, befides This petition Mr. Eaton but what I had to plead in my justification shall follow; for this was exthreatenings, could not induce me to yield to.

OLIVER, PROTECTOR,

the body of Richard Venables, now prifoner under your charge, in our tower of London, our former warrant for his commitment to your cuffody notwith-fanding. Hereof your are not to fail, as this shall be your fufficient warrant, THESE are to will and require you forthwith to release and set at liberty standing. Hereof your are not to jan, as thus must or you Given at Whitehall this thirtieth day of October, 1655.

To JOHN BARKSTEAD, efq. lieutenant of our tower of London.

WEDNESDAY the 31st of October, 1655, at the council at Whitehall, upon reading a letter from general Venables, directed to the lord prefident, taking notice that he had feen the council's vote of yesterday concerning his ral, and to give a refignation of his Irish command, in regard he hath not entargement, and signifying his readiness to deliver up his commission as genethe commission with him.

can get it with conveniency into his power, the warrant for his enlargement ing withall an undertaking to deliver up the commission itself, so soon as he as general, and a resignation of his command in Ireland in writing, contain-Mall be delivered and put in execution; and that as from as may be he do alfo deliver up his faid commission for his command in Ireland, according to fuch ORDERED, That upon his delivery into the hands of Mr. Jestop his commission hes undertaking.

HENRY SCOBELL, clerk of the council.

OCTOBER

Venables his highnesses commission, for constituting him commander-in-chief ander his highness, for the army and forces raised for the expedition to the West-Indies, bearing date the ninth December, 1654; as also an instrument under his hand for surrendering his command as colonel of a regiment of OCTOBER 31A, 1655. - I have this day received from general Richard mander of the town and caftle of Carrickfergus, according to the purport foot in Ireland, commander-in-chief of the forces in Ulber, and comof the honourable council's above-mentioned order.

WILLIAM JESSOP.

I do hereby certify, that the above-mentioned is a true copy of the council's order; and the commission therein mentioned was accordingly delivered to the faid Mr. Jessop, together with the resignation abovesaid, for which the receipt above-mentioned is a true copy.

JOHN BARKSTEAD.

Dated at the tower of London, Nov. 2, 1655.

that I was popular in Ireland, had too much interest there, and that they Penn defired me not to yield to acknowledge any fault or fubmit, and promifed me he never would. I had not reason to trust his word, yet I BUT I have omitted one thing. During these transactions, general told him I would not; for I knew no fault I was guilty of, and therefore could confess none, neither would I so much prejudice my own innoreason I was lodged over a great draw-well, which sent up unwholesome vapours and damps, which much distempered my weak body. Whereme to remember some words spoke to me by some friends before I lest England, which were, That I was sent to be destroyed not to do service, upon I defired the lieutenant of the tower to change my lodging, and named fome to him. Herefused, and told mehis officers must have them. but I could not; but was delayed, and at last denied all; which, with the refusal of a vessel to bring me by sea from Portsmouth, to take se-I replied they might have those I was in, which they might well endure, curity for my appearance, that I might use physic; the putting me into a chamber where I durst not take physic; and keeping me there, caused cence as unjuftly to charge myfelf. Yet he did, and fo got liberty week before me. Alfo I grew very weak and fickly in that time, b

knew not how to displace me, or freethemselves from me, but by such a removal as might occasion death. I looked upon all this as malice to difguit me against the state, and therefore regarded it not; though, for my place, some friends can testify that I was weary of employment, and defired a private life; and this voyage, being only to lettle a colony, (which was effected), I might then retire without prejudice to myfelf, or raifing a difpute or jealoufy in the state, (which would follow), if I gave up my

of it, wherein the state is concerned, yet I conceive that will not excuso me, and my silence might be judged a guilt or inability to vindicate my-felf. I shall therefore track him in his own path; and here I must apologize that the author, not owning it by his name, might juffly excuse my silence, and also his speaking in such general terms that no man of reason ought to judge him peccant who is not personated; yet, that I may not prejudice the truth in not discovering his uncharitable censures, which unless detected might millead some, I take myself engaged to reply to his closely infinuating aspersions. And, seeing he lays down as his method of proceeding three grounds, I shall take him in his own Having given a true relation of things as they were done, I should have made an end, but the fight of a fhort but flanderous pamphlet caufeth sne to take occasion to answer some things mentioned in the same, which are ignorantly or rather maliciously related. Though his highnesses imprifoning the printers and fellers of the fame might ferve for a confutation

1. Quere. - Whether the fetting forth of this army was really intend.

reason and scripture, that to punish offenders and offences doth advantage the glory of God; for all just wars are for the revenging or repealing of ed for the glory of God and propagation of the gofpel.

Answer.—Except this synonymus durst be so shameless as to charge the Cupreme authority with hypocrify, I suppose he might easily have answer-ed himself in the affirmative; for, first, it is granted, from grounds of Magnitracy is for the punishment of evil-doers, and for the praise of them that do well; which duty, if the magistrate do not discharge, he bears the fword in vain, or at the best doth not make that use of it which God and the nature of authority require from him. And what wrongs the English have fuffered from the Spaniards in those western parts his highwrongs done or offered to fuch over whom God hath given authority.

quainted, to prepare for refiftance. As for the officers, fo many that scrupled were fatisfied in the justice of the quarrel, and indeed this J. S. altogether grounded upon a wrong and corrupt principle were to accufe our grandees, &c. Where he doth infer that they did not aim at either of It blafteth the state (who had so strong provocations and just grounds of war) with this close infinuation, page 3d.—To conclude the design to be those ends, and gives reason drawn from the instrument; and, because some did lye open to just exceptions, he concludes against all; and a little before he tells us the secrecy of the design caused honest men to desert it better than this man; but I suppose he would have all protestant defigns made public, that each private man that engages in the fervice might gives enough to anfwer himfelf, viz, the Spaniards wrongs to our plantatations, and that no articles of peace extended to the fouth of the tropic. father to the foldiers, to counfel them, he concludes that all men that went were men of no conscience, and to pin their faith on other men's should pleafe to give these countries into the possession of a protestant the gofpel and advance the glory of God), I suppose the glory of God and the gospel must undeniably be promoted. But the calumniator tacitwhich is not true; for fome, not out of confcience, but for other enlargements and employments, or the diffaufions of friends, or difguit against his highness, did decline that voyage, but not in reference to the injustice of the quarrel that I know of, who have more reason to know have his confcience informed, or indeed the public popilh enemy ac-But because he was not confusted, belike that he might not be a ghostly sleeves, but all rational men know that to discover a defign is to overblickly known almost to all men, and no reparation made; and if the Lord nation (except Mr. J. S. judge the protestant religion will not propagate nefs, in his declaration concerning the war, doth fet forth, and were pu-

his opinion from the ill fuccefs of the action. A good argument learned by him out of the Turkith Alcoran. Had he read over the 22d of Judges, he might have found the Ifraelites, who profecuted a good quarrel, and by the express command of God, yet fell twice before the Benjamites. But he then covers this unhandfomely by the fervants difobeying may be, fome might be perfons that came upon the account of spoil and their maffers, but fhews not wherein; pretends fafe feeking, but gives Next he comes to the good intent of the caufe, upon which he gives no instance; and casts blemishes without cause or ground upon all.

felf faith) to have inflanced in fome who gave most evident figns, or expressed so much in words, and not have blasted all for the fault of some who could not be unknown.—Then he falls back to the justice of the quarrel, and gives four reasons; the first and last fitter for the the mouth of a papist or atheist than (what he would be thought) a protestant, the fecond and third gave me grounds to engage in the defign pillage, but he should have been so just, if an ocular witness, (as himwith what I alledged at the first.

instance their rapes, murders, plunderings, &c. either in England or Barbadoes (though I know few armies where such offences are not com-After this he difputes the legality of the caufe, but makes it no argument of the good intent, nor do I; but if the justice of the cause be cleared to me, the intent of the defigners is not to be any fcruple to know, but my own intent in acting, of which my own heart accuses me Then he leaves all with a confused mixing of good and bad, but do not plead for the army's piety, neither officers nor foldiers almoit known to me before I was engaged in the defign. I craved my own regiment for one, and that the reft might be drawn out of the Irifh army, feafoned with hardflips and hazard; but the defign feemed to be laid afide, and at laft came on again fo faft that my requeft was denied, as the commendation of fome of his highnesses council, chief ministers of The private foldiers were promifed out of the old English army, but I confess not performed, fave as this nameless author relates; and if any were proved unworthy among the officers. But mitted); yet I never heard of any in either of these places that I remember, and I am certain none that I heard of escaped unpunished. But in the conclusion excufes no man, and therefore condemns all, and confew) religious men in it. But, neverthelefs, let this author or any man elfe though he cannot inflance any one of these offences in the army, yet he must confess himself a papist, or a very mean historian, or exceeding forgetful, who hath read the Spaniards conquetts of those parts (fet forth by and more than barbarous inhumanities, practifed by the Spaniards (out of a wanton bloody humour) upon the poor natives; or can he forget his not to be done in time; yet no officers were taken on, but fuch as had their own countrymen), and his ears glow not at the horrid cruelties, cludes the army fo bad that no good could be expected from them. And here I fuppofe who ever faw an army confifting wholly of (and I confefs this had prefers the Spaniards before us, as lefs wicked. state, or officers of the army.

common foldiers of the army from prophanenefs, which indeed had too many debauched perfons in it, as confifting of the worft men either of notice of them at all, not confidering the denomination is given from the better and ruling part in fcripture, where a godly reforming king brings and fit for employment, which could not be known to me, who was a stranger to them, until trial was made, though they had good men to those men before the English army, who were protestants, though very loose and debauched, yet by discipline restrained from those outrages; but he hath no mind to speak one word in the army's defence, which who is the only one he commends, and colonel Fortefcue, afterwards his piety, conduct, and valour, declared in feveral fervices in England; with captain Howe and feveral of my own regiment; yet he takes no recommend them, as it is faid, and had ferved the state. But he mentions not cerning whom, as being known to me, I had with major-general Worlley moved his highnels, but he was notwithstanding forced upon us; nor colonel Buller, who never yet cleared himself about the lots of Sicily; but for the generality of the soldiers take the opinion of major-general shews him to be of Cain's lineage, defirous to trumpet to the utmost of his malice his countrymen's infirmities. But though I do not excufe the England or the plantations, yet, as I faid, outrages were not acted by them; and for the officers there were fome godly perfons, eminent for their major-general, much efteemed by godly men, ministers, and others, for indeed the major part of the officers were civil, though not able adjutant-general Jackfon, a prophane drunkard and whoremafter, a man of the grounds of the war with Spain, and can read of the maffacres of the English, and yet prefer picty, valour, and fervices, in their country, as major-general Haynes, that flood charged (and the charge proved) of perjury and forgery; con-Daniel (which was the opinion of others) in a letter to me whilst in prihis people to be reckoned as religious, he caufing them to ferve the Lord highnesses late declaration of the date of That part of the letter followeth:

mited to infruments, yet his name is most principally engaged with his people." ing (except fome few trufty officers) that you carried with you the very fweepings of fome part of England; and though I know God is not hi-"I wonder not that you fell under the extremity of difficulties, confider-

His fecond query he paffeth over, referringus to what hath been faid and

what followeth, and so shall I refer the reader also as he doth to my answers before, and which follow.

go with what we had, we were as persons without accommodations of arms, ammunition, or provisions. And that it should be, as he faith, marvellous to fee persons perish of thirst in those torrid regions, I see not. It may be he will say, that we might have landed nearer to the city. I have what we were fent about, the fixing of a colony, though we failed in the us all conveniencies; and, though we were well provided for, yet thefe provisions staying behind (not by our fault who would have stayed for them but were not permitted) we were constrained to leave Barbaus, and so could not stay longer for them, lest we had perished our-felves and destroyed the plantations; and our necessity enforcing us to answered that already, and refer the reader to judge whose fault it was, the seamen's or our's, who were carried to far off against our wills, and which that climate could inflict upon our men; whereby we were weakened, as also with bad and fcant diet, as is before related, and the enemy had time thereby given him to call in all the frength he could His third tells us of the great preparations and frength of the army, does, having almost eaten them and our small stores which came up with thereby ruined, being exposed to hunger, thirst, and all inconveniencies first place which we attempted; not through the value of the opposers, but forced away through want of water, and carriages to take along with As to the fuccefs, I answer that we effected and God opposite to them.

Next he gives the journey itself, and begineth with the armies, relating of what manner of men they were formed. I shall not say any thing now, having spoken my unougher come to Hispaniola, wherehegives truth; and shall mention nothing till we come to Hispaniola, wherehegives their landing; but it being delivered out two days before they landed, thore) to feed on that allowance before landing, so that the most of them had but one day's provisions to live upon when they landed: too small a proportion for them, if we had landed at Hine River, much more disproprepared to the statement of now, having spoken my thoughts before, and confefs he speaks too much dreds; for the muster rolls make them fix thousand five hundred and fiftyone, and he feven thousand, and faith they had three day's provisions us that number of the army, in whose number he is mistaken some the feamen caufed the reft of them (which I knew not till we portionable to fo long and tedious a march,

Nort

by it; and of any of have it, or refused the army pillage, and yet gave them no pay, (and how can men subsist without pay or pillage), and refused the army liberty to have any inspection into the management of it, or a subsistence out of Next he mentions the proclamation against plunder, the reason of which and my opinion with my actings I have given before, and refer the reader to the same, it being the commissioners act, not mine; though they saw the discontent it raised in the army, yet persisted in it. As to the avarice of persons, let them bear the blame that deserve it; yet these no man can charge me, or, if they do, my own transactions will to speak conjecturally (I suppose) those that were more pertinacious to it, are most likely to feek their own advantage plead my excuse and vindicate my innocency. Next he tells the army had no opposition in landing, except the exect-five heat of the fun, and intolerable drought, which was so great that some drank their own urine, others died. I would here query of him what opposition would be worse for us than our want of provisions (as before related) to have heat and thirst in the extremity. What greater paileth over with a flight expression, of nothing but heat and thirst in difficulties than hunger, heat, and thirit, (miferies not to be overcome) could an enemy cast in our ways or wish to befall us? Yet these he

the ground, though our purpose was to have got more. We were told a ford a little higher would give us a passage over to come to our ships, to receive our necessaries; but it proved so far off that we were that night fortified (but finall) piece. Having got a little ftrength by resting me, and exceedingly troubled with a violent flux, I went myself; and if my ated. We met with colonel Buller and Cox our guide, who promifed low, weak, and unflanked. Finding them differ in opinion, I fent the byes were able to fee, it was a fort about twenty-five yards fquare, and Next he brings us to the River Hine, and tells us of our fhort flay and refreshment, which was short indeed; for no other refreshment had we after two day's fasting save a little water, and half an hour's sitting upon without meat and drink, and caused us to fast near forty hours longer.—Then he relates a small skirmish, which was occasioned as is before reto bring us to water, which was joyful news to our fainting men; and engineer, who then came to us, and affured me it was a regular well lying near to the Fort, I fent some officers to view it. Some reported i

feven or eight yards high at least. I fent some into the woods to search for ambushes, and, the officers being generally very weary, I went myfelf with the guide to see that done, which I could not procure others to before they moved towards us, and the forlorn fired, but fpent their fire with, though I did nothing but upon necessity, and what I could not procure to be done by others; and also to shew the reason why I was not in men, and the fea regiment relieved their fellows, who had no pikes, and therefore routed and beat back the enemy prefently, and purfued them I ever used) in the van, if not with the forlorn; and this I speak to vindicate myself from the imputation of rashness, which some charged me over nimbly, which gave the enemy advantage to fall in with their lances before they could charge again, and fo routed them, whereby I was endangered; which moved the officers to prefs me not to march (as the van the fecond time, it being the very earnest pressing desire of all the reasons alledged, retreated to our ships for to refresh our men, who had most of them safted four days, except what fruits they had found in the and so fell upon the ambush, but not into it; for we discovered them But whereas this ocular witness faith, they routed the first regiment, I reply I faw no man run but the forlorn, which confifted of feawithin cannon flot of the town; and then we, as before related, for the woods, which were generally oranges and lemons.

water and brandy, but all we could do was too fhort to fupply our extreme want. The fight I have before related, and shall not now repeat any thing, only I can but confess with him, to my grief, the unworthy fall of major-general Haynes; but must contradict this relator as to the number of the Spaniards. Gentlemen of credit and judgment who were on board affirmed to me, they faw at leaft three thousand march out of the guide, who had lived twelve years amongst them, that they could bring into the field five thousand men. They had time to draw them together, no man will conceive they would lie still and only send out fifty to town; but this spectator saw but fifty. We were affured by Cox our where not above fix could march abreaft, few could be feen either in the rear nor those in the woods. Our forlorn were four hundred, and the enemy fired upon them in van and flank at once; and if fifty could do this let any man judge, and fo many as three thousand drawn out of the city, it is probable they could not all fland idle. He faid also half the Against our next advance we made all the provision we could to carry fight; but I fay further, that in those continual woods or wildernesses,

third to unavoidable, voted a retreat; and I think it was better to bring. off the mortar-piece than to leave it behind us. For the reft that followeth, let the feamen answer, whom it chargeth with fo much cruelty as contained in this relation, for, as before, we beat the enemy back, recovered our flain, and the night being at hand kept the ground all that was drawn off, and known to them that advifed it; but if not known to night. A council of officers being called, did advise to try the mortar-piece upon the fort, if it could play by funrife, otherwise draw off, left non shot fell within some few yards of the place, took six, feven, and nine, mon away at a shot, so that the enemy's guns could bear upon the thole who The officers, finding their men to bafe, and the danger of perithing by to deny us food, which brought them to cat dogs, affes, horfes, and indeed whatever they could get though unhealthful. ind the enemy beaten back, and retreated not until forced away by the ever knew the Spaniard fo much fool or coward as not to follow fuccels For the number of and fifty-one, and after all the deaths at Jamaica for ten weeks, which was our first muster, we were above five thousand eight hundred; and therefore the deaths there, as is related before, and the lofs at Hifpaniola, there to make up the number he allows them, page 15. He relates, that we drew up after this fight near the fort, &c. feveral untruths are we should perish by thirst; and this was the reason why the mortar-piece fea regiment, led on by vice-admiral Goodfon and myfelf, and about a hundred of major-general Haynes's men we flayed from running; and who though we never had more blows at our leaving Hifpaniola, he makes our lofs one thousand seven hundred, whereas I am certain, as before I could not be above feven hundred, so that he gives the Spaniards a thoufand to grace there success with, and all the sick at Jamaica that died was routed; -an utter untruth. Two regiments were only routed, the flain, he reckons fix hundred, after two hundred loft in the woods, and three hundred wounded, that most of them died, as he faith; and, related, we were never more (if fo many) than fix thoufand five hundred had the power would not leave the matter altogether unqueftioned.it was not usual to tell our refults. The engineer was called, as before, none would work, and the place was unfure; for feveral perfuaded if there had been an offence worthy of punishment, place, which was as open as the ground the men flood upon. to the utmost, when a fair advantage offered itself.

mation he mentions against running away, telling us fcoffingly it might We now follow him to Jamaica. His 20th page begins with the procla-

the old adage might have answered him, good laws have their rife from evil manners; and also at our landing he tells us the weak opposition that befides those in the country, all could make up but five hundred, let faw their fires made to give notice of an enemy approaching the day before we landed, and I do believe were generally drawn to the feafide for any man judge; and all were drawn down to oppose our landing, for we have done well, if made before we landed at Hifpaniola, and fo I think alfo; but we could not imagine our men would have proved fo bafe, and was made; but the number of the enemy is untruly related. We were affured there were upwards of three thouland in the country, and generally all of them living in or near to the town, in which were four or churches, and houses to have quartered twenty thousand men; and

Next he mentions of number feven thousand. When he mustered us at first, page 12, he made us but seven thousand, though, as before, our greatest number was but six thousand sive hundred and fifty-one; and, of taken with it) lie dead, but revive again with the next breaking out of the fun beams, or elfe he is a very falfe muster-master, and an egregious liar. As for their outwitting us, he lure thought us looks, occause we admitted of a treaty, and thereby had cows brought in, which otherwife we must have wanted; and had also hostages, men of quality and worth, as their chief major and Don Acosta, one of the best men amongst them; among themfelves. As for their goods, it now appears who coveted plunder and fpoil, becaufe the army was not marched all night in an unknown country, all wood, without guide to direct them, to poffels an open town, where little I believe was to be got, (for there was not almost any thing when Jackson took the island formerly), and the of those he cuts off one thousand seven hundred as lost, pages 16 and 17, at Hispaniola. Sure our men were like bees, that after a shower (if over-As for their outwitting us, he fure thought us fools, because we and yet if they flood out, we were at no lofs, we had our army to reduce them, which must have been the way if we had never treated; and fo were at no lofs, and yet got refreshment and fresh meat for our men without blows or trouble, which else we must have wanted. And now let any eafy to be abuted by any, and yet when they broke, we got hoftages, and in the interim gained knowledge of the country, and fet divition judge how we are over-reached, and what simple souls we were, two hundred were feamen, regimented under vice-admiral Goodfon; and the feven thousand he mentions to be landed at Hispaniola, one thousand man

money.

money, and plate, and richest moveables, were, I suppose, carried away upon the first notice of our approach; and yet he complains of our finiplicity in loss of the pillage, and, as he faith, they drove away their horses, cattle, &c. I answered this before, and in two days we recovered that our men's mifery and wantsproceeded from the want of food from the fleet, who refused to supply us, as is already before related very largely, under the hands of several persons of honour and credit. And thus have states frowns should meet with base language from slanderous tongues is Asto the order against killing cows by single persons, the I done with this malicious traducer, but that those who are under the reason is given before, to which I refer the reader, and must needs no news, envious spirits taking that opportunity to vent their malice. them again.

There remain fome objections, which may feem to be yet unanfwered, which I shall resolve, and leave all to the candid judgment of the ingenious and unbiaffed reader.

mifed they should meet me at Portsmouth; and there. I was ordered to Question 11t.—Why would I go before my stores?

Answer.—I declared my distainsfaction in that particular, and was procame, except we should have caten up and devoured that island, and so stay for them at Barbadoes, and necessity forced us thence before they deftroyed it and ourfelves. Queflion 2d.—Why did I go with fuch a rafcally rabble of raw and unexperienced men, never disciplined?

Anfiwer—I defired my own regiment and the rest out of the Irish army

asside as pretended) was hasted away, and promised men out of the English and Scotch forces, who had, unknown to me till after, inlisted the rabble, and put them to us, and kept back their old foldiers; and we feafoned with hardfhip and hazard; and after that (the defign was laid were not permitted to flay to try them what they were.

Question 3d .- Why did we not keep them in better discipline?

in order, which had neither pay, pillage, arms, nor provisions, much more was I unable to do it amongst a company who neither knew what order or civility meant, and when the officers indulged them, never punishing almost any offence, fave by admonition; and my commission did Anjwer.-Who ever read of an army, though best disciplined, kept not permit me to punish myfelf, but by a court-martial.

Question 4th.—Why should I go on a defignt I knew not the reasons of?

Answer.—I was acquainted so far with it as to know the lawfulness of it; and the rest (though I desired to know the same) was the state's part not being accountable for that, not I, yet the officers that forupled any thing had their doubts anfwered. Question 5th. - Why would I go so bounded with instructions and maby commiffioners?

ments, the difficulties of the fervice being fufficient to engage againft; I was promifed I should not, my commission was large enough, and my instructions, save in one clause, (which all commissions have in them), supposed were only to deal (as those sent me into Ireland by the parliament and after by his highness) in civil affairs; which I was pleased with, in regard that burthen would be taken off my shoulders, which had in Anjwer.—I did propound to Mr. Secretary Thurloe (to whom I was commanded to make my addresses) that I might not have my friends whoever attempted any thing refolutely (if it failed) was in danger of life to them that employed him, and therefore needed all encouragethat referred to all other orders, which I conceived related to-all further intelligence upon transactions, not to the commissioners instructions, who I And to confirm me in this opinion, there was a clause in my commission, authorizing me to take and follow the advice of my officers, as occasion was offered; but, when the com-(by firich infiructions) made more terrible to me than my enemies; for miffioners infructions were broken up at fea, they annulled all this. Ireland fo much oppressed me.

Question 6th.—But why would I suffer the seamen so to use me in provisions and arms, &c. which were put on board for our use as well as

Answer.—There were few or no foldiers abourd the frigates, who awed the whole fleet, and therefore the power was in the fea officer's hands, and I had no means to help myfelf by force; and therefore flood at their mercy, being only able to thew my wants, and to advife and require fupbut not able to relieve myfelf. Queficen 7th. -Why should I go with fuch commissioners, so unfit and unexperienced men?

Anjwer. - I looked not upon them as having any thing to do in milialary affairs, and in civil they were accountable for their actions, not I, and if my own affairs fucceeded I was well.

Quellion.

tend a plantation where women would be necessary, and this proves also that I told his highnes, before I went, that I proposed, if the climate was not my enemy, tosay there; and had so done, but that the hand of God forced me back. Some officers (as colonel Humphrys) did afterwards Answer —First, I acquainted his highness, I resolved to take my with with me; and it is probable, if his highness had declared his difflike, I had either left her or not gone myself. Besides his highness did only intake their wives with them, without hindrance or blame; and for foling that fex with an army, to attend upon and help the fick and wounded, which men are unfit for. Had more women gone, I suppose that many dier's wives, whoever have observed in Ireland, knew the necessity of hav-Question 8th.-Why did I take my wife and foldier's wives with me? had not perifhed as they did for want of care and attendance. had either left her or not gone myfelf.

Question 9th.-Why did I return home?

the body of the commission, which was broken open, and another general. I flayed fifteen weeks expecting recovery, and was conveyed on board in a diffracted condition, which I had been in for a month.—3d. The officers voted and defired my return to folicit their affairs, as being undifability, or absence, of one or both the generals; and those words were in cording to his highnesses command, that if the air agreed not with me I might thereupon return home, and that in such a case my command in accordingly was performed, and I received part of the money in the able to do any fervice there; and, doubting I should not live to come one voted my return, another figued the warrant for the ship to bring me home, only one refused.—6th. His highness had figued and sealed a dor-He answered, God forbid we flould fend men to die, and not to do service, and for that reason my command in Ireland and my pay in the interim should be referved for me, which The physicians advised my return, as not possible to live there, they having tried all means, and found that what flopped my flux heightened my fever, and what abated my fever increafed my flux; and home, they joined another with me in commission to solicit for them. my, the work I was fent about, was effected, and no enemy appeared fave like Irish tories, and no man will fay that Ireland is not reduced.—5th.—There were three commissioners left besides myself, and mant commission, thus indorfed, not to be opened but in case of the death The vote was passed in a council of war, gathered against my as before is related, and I flayed fix weeks after it. - 4th land might be kept for me.

cholen'in my place, and his commission signed; and he discharged his pinee for a month before I left Jamaica. The word absence implies an an-Secretary Thurloe; for why should another be chosen and commissionated, and put in my place, without any crime, and yet I required to shay there? In my eye and (I believe) in any rational man's judgment, it is inconsistent or unjust to set a man aside without any sault, save the hand of God in his distemper, (which was my affliction not my fault) wer to my defire to fecretary Thurloc for my return; for, except I re-urned, I could not be absent from the army, and disability feemeth to of the commissioners, did, against the express declaration of major-general Fortescue, in the name of the army, against his return home, as destructive to his highnesses fervice, come thence, yet was never questioned, though I offered to prove high debauchedness and somenting of mutinies General Fortescue's letter to his highness of this return of me to be inferted on purpofe, as well as absence, to authorize and warand another to be put in his place, except hereby a licence to return was civilly confented unto, and hereby implied. Befides captain Butler, one his followeth:

May it pleafe your highness,

ALBEIT by other letters I certified your highness what I had faid to commissioner Butler, yet that not being satisfaction to me, because what passed was between him and me, I took this occasion this morning, in prefence of admiral Goodfon, colonel Buller, and this gentleman, rearadmiral Blagge, to tell the commissioner that I conceived, according to the duty of his place, he ought to tarry with us, and therefore protested against his going; in regard your highnesses fervice should in all probability receive damage by it, if that the two commanders in chief of the fleet and land forces, impowered by your highnefles infructions to act as commissioners, could not in some cases act without a third person. I also defired his concurrence with the general, in nominating and appointing a commander-in-chief of the army in the general's absence, but he utterly refused, saying the state of things was now much altered, and he could not, nor would not, allow of admiral Goodson and myself to be commissioners, nor confent that I should be commander-in-chief in the general's ablence, nor appoint any other, nor stay to order and govern things with the commissioners: all which rear-admiral Blagge can justify, and I counted it a duty to be certified to your highness by;

Your highnesses most humble fervant,

Jamaica Marbour, July 23, 1655. RICHARD FORTESCUE.

I SHALL conclude all with a most thankful acknowledgement of the mercies of God to me, in several eminent deliverances both from the sword and sickness, so that I may truly say, I never saw more remarkable providences as to my personal preservation, nor met with more lets, impediments, and cross providences, in the management of the public concerns in all my life.

LAWS MELITARY FOR THE ISLAND OF JAMAICA,

PUBLISHED BY HIS EXCELLENCY

THOMAS MODTFORD. 1º6 hey. 1666

Moduford, knight and baronet, governor-general of his majelty's island of Jumaica, knight and baronet, governor-general of his majelty's island of Jumaica, and olde-admiral to his royal highness the duke of York, by advice of his majelty's council here established, for the better ordering and governing his majelty's forces belonging to his faid island, &c.

To the intent that the harms of our neighbours might make us wary, and in a posture ready to prevent or result the attempts of our enemies in these times of so great danger, his excellency hath thought it necessary, by the advice of the council, to ordain that this colony be in the most warlike and secure posture possible, and that these laws military hereafter enfuing be observed and put in execution by all officers, soldiers, of this island: and inhabitants,

excellency shall appoint, for punishing of all blasphemers of God's holy name, swearers, curfers, drunkards, and other enormous offenders, according to the direction of the said court, and also for putting the Jaws, be from and after the next fitting adjourned without day, and not to be reaffuned without new and express orders from his excelency; and that, in lieu thereof, courts martial shall be held within The precincts of every regiment, and a general court martial where his aws enfuing in execution.

where they refide, under the penalty of five pounds, or fuch corporal punishment as at a court-martial shall be thought fit; and all masters within this island shall prefent, in the time aforesaid, their servants of SECOND.-That all men within this island, under the age of fixty years and above twelve, shall, within fix days after publication hereof, present themselves to be inlisted either in horse or foot in the company

panies where they refide, under the penalty of five pounds, or corporal punishment as the court-martial shall think reafonable. The above twelve and under fixty years old, to be inlifted in the foot comage of the faid perfons to be adjudged by the infpection of the commander in chief of that precinet.

THIRD. The faid perfons, named in the next articles, are not to be received among the horse without they also present a good horse, sad-dle, and pittels, fit for service, but shall be all compelled to carry mustkets or fuzees, while to be had, and when not, then to prepare lances; and with them to appear, when commanded, upon pain, for their refpective neglects, to be punished at the diferction of the court-martial.

commanded by their fuperiors, upon pain of being punished at the dif-FOURTH.-That all commiffioned officers and commanders shall duly exercife their respective companies, as often as they shall be thereunio cretion of a general court martial; and the other officers and foldiers. things needful, to be punished at the difcretion of their own regimental if they do not appear in complete arms, with ammunition and all court-martial, or at the general court-martial if the cafe require.

FIFTH. -- Wholoever shall neglect to attend such guards of horse or foot as shall be thought fit to be appointed, or withdraw from the same be-fore he be relieved or otherwise commanded, shall be punished with

Sixth. -- What fentry or perdue shall be found affeep or drunk, or fortake his post before drawn off, shall die without mercy. SEVENTH. -No perfon shall depart from his colours without licence, upon

EIGHTH -Wholoever absents himself when there is occasion of service. as to fet the watch or the like, shall be punished at discretion, A. wooden horfe or the like.

NINTH.-Whofoever makes known the watch-word without order, or alters the fame, thall die for it.

TENTH. -- All fuch as practife or entertain any intelligence with the enemy, directly or indirectly, shall die without mercy.

appointed to be defended, yield the fame without the utmost necef-fity, he shall be punished with death; but if the foldiers under his com-ELEVENTH. -- If the commander-in-chief of any fort, pafs, or place, mand forced him to it, every tenth man shall die. TWELFTH. -- Whosoever shall prefume to violate a safe-guard shall die without mercy. THIRTEENTH. - Who foever shall come from the enemy without trumpet or drum, after the cuftom of war, or without a país from his excellency, shall be hanged up as a fpy. FOURTEENTH. -- Whosoever shall use any word tending to the death of any commander-in-chief shall be punished with death.

anguage to his fuperior officer shall be punished at discretion, and who-FIFTEENTH. -- Wholoever shall presume to quarrel with or give unseemly loever shall be fo heady as to strike, shall die for it. SIXTEENTH. - Whosoever shall resist, draw, or lift, or offer to draw or lift, any weapon against his officer, correcting him orderly for his offence. Thalf die for it.

cer in the execution of his office, or shall break prison, shall die for it. *SEVENTEENTH. -- Whofoever refifts the provoft-marshal or any other offiEIGHTEENTH.—Whosoever shall utter any seditious or mutinous discourse, or shall make any mutinous affemblies, or be prefent at them, shall die

and doth not forthwith acquaint his commander with the fame, shall be NINETEERTH. -- Whofoever heareth fuch words, or of any fuch meeting, heavily punished at a court-martial.

pain of being punished at discretion; but, upon complaint made to TWENTIETH. -No manshall take his own fatisfaction for any injury, upon

the court-martial, finall have fuch reparation as finall be thought fitting and juft.

TWENTY-FIRST. -- Whosoever shall wilfully kill another shall die for it.

TWENTY-SECOND. - Every man shall appear with his arms duly fixed and decently kept, upon pain of death centure, and whofoever shall embezzle them, or willingly make them unferviceable, or throw away his ammunition, shall die for it. a march none shall extort victuals or other necessaries from any planter, upon pretence of any want whatsoever, TWENTY-THIRD. -- Upon upon pain of death. TWENTY-FOURTH .-- None shall straggle from bistropp or company, or march out of his rank, or plunder, or fire any house, upon pain of death. TWENTY-FIFTH. -- Upon encamping, none shall prefume to go a milefrom the camp, upon pain of death. TWENTY-SIXTH.—No man shall draw his fword, or fire again after the watch is fet, without lawful caufe, upon pain of death.

TWENTY-SEVENTH .-- No man shall fail to repair to his colours, upon an alarm given, upon the pain of death.

time of battle, on pain of death; and it shall be lawful for any man, TWENTY-EIGHTH.-No man shall abandon his colours, or fly away in to kill him who turns his back.

TWENTY-NINTH .- No man shall kill an enemy who yields and throws down his arms, upon pain of arbitrary punishment. THIRTIETH. -No man shall save an enemy while he has offensive arms in his hands, upon pain of lofing his prifoner. -In cafe of victory, no man shall pillage the enemy before a fign given for licence fo to do, upon pain of death. THIRTY-FIRST.

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THIRTY-SECOND. - Every regiment or company of horse or foot that chargeth the enemy, and retreats before they come to hand-strokes, shall answer the same before a council of war; and if the fault be found in the officers, they shall be displaced and serve as private soldiers in the company they commanded, if in the foldiers, then every tenth man by lot shall be punished at discretion of the court,

THIRTY-THIRD.-No person shall prefume to fight a private duel, upon pain of death.

without mercy, and ferve as private foldiers in the fame company, and THIRTY-FOURTH. - What officer foever shall come drunk to his guard, or commit any disorder in the camp-quarters or march, shall be displaced the next officer under him, whose due it is, shall have his place. THIRTY-FIFTH. - The like punishment on a captain or other officer, that shall be negligent in framing and governing the company.

thorized to part quarrels, frays, and diforders, between foldiers, though of any other company, and to commit the difordered to prifon for the prefent, until their proper officers are acquainted therewith; and what foldier foever thall refut, difobey, or draw his fword against fuch an -All officers of what condition foever are hereby auofficer, although none of his own, shall be punished with death. THIRTY-SIXTH.-

THIRTY-SEVENTH.-If any officer shall grossly neglect any opportunity wherein he might have done fervice on the enemy, he shall be punished at the difcretion of a court-martial.

THIRTY-EIGHTH.—Every inferior officer and private foldier shall be obedient to the utmost to execute the commands of their superiors, and whosoever shall fail herein, shall, according to the nature of the offence, fuffer fuch punishment as by difcretion of a court-martial shall be appointed, whether to loss of life, limb, or other inferior punish-

THIRTY-NINTH .- All officers who shall fend any prifoners to the marshal-general, or his deputies, shall, in twenty-fours atter, fend the cause and reason of their imprisonment, without which the marshal is not to keep the prifoner longer in cuffody. FORTIETH.—The cause of commitment of every prisoner is, by the said marshal, within forty-eight hours after commitment, to be delivered to the king's advocate, otherwise the prisoner to be released.

-That the advocate or his deputy do give every prifoner a copy of his charge twenty-four hours before he comes to his trial. FORTY-FIRST.

FORTY-SECOND, -- No man shall prefume to use any braving, or meaning words or geftures, while the court-martial is fitting, upon pain of death. FORTY-THIRD.—If the marshal-general, or any of his deputies, shall difmiss any prisoner committed to his charge, or fuffer him to make an escape, fuch marshal shall be liable to the same punishment due to the difmiffed or escaped offender.

mentioned in these articles, shall be punished according to the general customs and laws of war, by which our fovereign lord the king, FORTY-FOURTH. - All other faults, diforders, and offences, not particularly by his general, the king of Sweden, and other renowned princes, have governed their armies.

and once a month at leaft ever after, until orders to the contrary. Given LASTLY.—To the intent no perfons plead ignorance, it is strictly ordered, that there laws military be published at the head of every troop and company of horse and foot at their first meeting after the date hereof, under my hand and feal, this first day of January, 1666.

All these articles of war allowed by

SIR THOMAS LYNCH, General.

March 18, 1672-3.

PROCEEDINGS

PROCEEDINGS AGAINST SIR THOS. MODYFORD.

THE bath of Joseph Napman, commender of the Jamaica Merchant, now at anchor in Port-Royal Harbour, in Junaica, taken the 12th of August, You shall fwear, that you will use your utmost endeavour, as commander of this ship, to bring home prisoner the person of fir Thomas Modyford, and him see delivered to his majesty's order, and that you will by no means directly or indirectly permit his escape.

JOSEPH NAPMAN.

Sworn before me, on board the faid ship, this day above faid,

Witness, Robert Freeman, Sec.

THOMAS LYNCH.

man, gunner; William Wife, Joseph Darton, Robert King, Joseph Purner, James Neale, Richard Hale, George Wins, Richard Floid, Jonas Gibson, John Hodges, Henry Pilgrim, Hugh Blake, Robert Browme-fleets, Marc Swaffen, Thomas Downes, Philip Pendry, John Stevens, JOHN COSTER, William Parker, mates of the Jamaica Merchant, John Biles, Leonard Smeathy, and Robert Thory, chirurgeon-You shall five at that you, nor any of you, directly or indirectly, shall permit the William Pickfon, boatfwain; Thomas Hilliard, carpenter; Daniel Freeescape of fir Thomas Modyford, but shall obey all orders for the securing him, and bringing him prisoner to his majesty's presence. So help you God,

Sworn before me this 12th August, 1671, aboard the faid Ship,

Wimes, Robert Freeman, Jec.

THOMAS LYNCH.

ready to fail; and have, for the better fecuring him, put twelve of his majefty's feamen there on board: neverthelefs, I command and appoint WHEREAS I have orders from his facred majefly to fend priloner for England fir Thomas Modyford, the late governor of this island, I have fir Thomas Modyford aboard the Jamaica Merchant, that

you to watch every night on board, and moor your pinnace with a guard on flern, and put fuch fentinels, and take care that the faid priloner Given under my hand this 14th of August, 1671. to fail efcape not during his flay in this port, whereof none of you are at your utmost perils.

THOMAS LYNCH.

To Capt. Joseph Welgreefe, commander of his majefly's ship Welcome; Lieut. Joseph Keene, lieut. Istes, lieutenants of his majesty's frigate

Mr. Hawkins, mafter of the faid frigate. Thefe

JAMAICA.

SIR THO MAS LYNCH, knight, his majefly's lieutenant-governor and commander-in-chief of this his majefly's ifland of Jamaica, and the dominions thereunto belonging, and vice-admiral to his royal highness the duke

feal at Port-Royal, this 14th day of August, in the twenty-third year of his majesty's reign, that now is annoque domini 1671. go on board the Jamaica Merchant, now at anchor, with the faid fir Thomas Modyford, were you shall keep strict watch and guard over his person, as well here as in England or any other part where you shall be necessitated to arrive, and you are to follow such further instructions as I herewith give you affixed to this commission. Given under my hand and feamen out of the Affiftance frigate, who are hereby ftrictly commanded to obey you in all things, in order to the fecuring of the faid fir Thomas Modyford; and in cafe of the death or difability of the faid lieutenant John Buck, I do hereby appoint Mr. John Fogg to fucceed in the care and command. And I do hereby require all the aforefaid feamen to obey him. And you are hereby further commanded and impowered to WHEREAS, by special order and directions from his facred majeffy, I am commanded to fend prifoner into England under fafe guard fir Thomas Modyford, bart. late governor of this his majeffy's ifland, thefe are, therefore, in his majeffy's name, to authorize and impower you, licute mant John Buck, to take into your charge and cuftody the perfon of the faid fir Thomas Modyford, and to take with you eleven of his majefty's

INSTRUCTIONS

INSTRUCTIONS and orders for lieutenant John Buck and Mr. John Fogg. for the securing of fir Thomas Modyford.

JAMAICA, J. August 14, 1671.

YOU shall go on board the Jamaica Merchant with the feamen under your command, and fet a diligent watch and guard that the faid prifoner Whereas I appoint one of the officers of the frigates to watch here in port, you are to obey them for these sew days they shall be here. You must take the oath with you which the commander, all his officers and company, have taken, to bring home the faid prifoner and not to permit

You are to take special care that the men do not hinder the faid captain or company in doing the ship's business. You shall take care that the faid ship goes to rights to the river of Thames, without touching at any place whatsoever, unless forced by diftrefs of weather.

At the first place you touch at in England, you must fend my small letter to my lord Arlington by the poft. When you arrive in the Downs, fend Mr. Fogg, or fome perfon you can truft, to my lord Arlingto nor Mr. Williamson for orders; which, that you may have money todo, I have given you five pounds and Mr. Fogg three. When you shall come into the river, you shall permit no boats but the king's to come on board, nor shall you upon any terms permit any of the feamen to go afhore, until you have his majefty's order concerning the faid prifoner. Hereof fail not at your utmost peril. Given under my hand and feal, this 14th day of August, at Port Royal, 1671.

PRESENT STATE OF JAMAICA.

IN A LETTER FROM

MR. NEVIL TO THE EARL OF CARLISLE.

MY LORD,

nourishment and support in people and trade, depending upon the reputation the island has at home, that destroyed, the place is confequently fo. And this I remember, upon discourse of it there, fir Henry Morgan aid allow, saying to colone! Byndlois men with us, that, if he were now Jamaica, in those particulars which can only prove mere repetitions or defended, leave fuch invaders fafe passage in and out to destroy their dispersed plantations. The woods too, in the absence of the massers, order again; but, happening there, must bring affured ruin, because its SHALL not prefume to trouble your fordthip with any description of of every man's relation that has been there, farther than what is neceffary to explain my thoughts of the improvement and advantage, public or private, that has or may be made of the place, with the obstructions and dangers, whether cafual or natural, which feem to threatthink of it in comparison with populous countries, that are defective in the like; but I am very fure they will foon fall under your lordfhip's that belong to An island of about three hundred miles compass, as this is, with not few dispersed at great distances, if they plant round the sea coast only; this makes it disticult, and of great inconvenience to the inhabitants in their domestic assairs, to unite for their common safety against any invader, whilst the harbours at the same time, being too many to be sortified become inviting receptacles to the flaves, who, by reafon of the miferies they continually fuffer, will never be unwilling to improve fuch an opportunity: These are not mischieß like the common accidents of European nations when invaded, which, after fome recess, foon return into The largeneis of the illand, the many and good harbours, with above ten thousand inhabitants, besides slaves, in it, must needs have those the abundance of wood therein, are taking praifes with fuch as confideration as fome if not the greatest inconveniencies

many poor rafeals to employ in the Fortugas, do not want knowledge of the island of Jamaica, nor will enough, I fear, in case of war, to put it in execution, fince it is certain the planting part once discouraged, the privateering trade must subshift by devouring the Spaniards as formerly, which produces another benefit to the French, by diffurbing their hereditary enemy. So that so far I concur with sir Thomas Lynch in faying, that planting and not privateering is the true interest of England in that island, yet I cannot but think, that the greatest mistake could have happened in doing it was the forcing the planters, for want of convenience, to run to the north side of the island; and, where ground may be had at My lord, I have infifted the more upon this particular, becaufe it has doubt to ruin the whole country, by burning and deftroying the fea coaft plantations, and though it cannot be the Spaniards interest in those parts, if we let them be quiet, to stir up a nest of horners and force of the latter of which mifchiefs they had the laft year, when many families were murdered by fome few blacks that went out, and the whole annoyance it might give to any of our trading enemies that have dominion in those parts; nor had it then been subject to soreign disturbance. a privateer for the Spaniards, as he had been against them, he would not them upon privateering again, yet the French, having little to lofe, and for canes, when with great charge and labour cleared, yet the vaft expence, for want of favannas, in forcing a competent quantity of paffure for cattle, is a burden for cattle fcarce fupportable, befides the open been occasioned by the manner of the former governors proceedings, in setting out the favannas and other lands on the fouthfide, which, had they been employed by planting; but, on the contrary, feveral particular first comers, having obtained titleto fix, eight, ten, nay some twenty, thousand acres a curity in the beginning to the most improvable and best situated colony we have in the Indies, both for the commodities it produceth, and the granted in moderate and improvable portions, would have proved a greater quantity than the increase of the people for many ages could have man, have left no room for neighbourhood on that fide, where those delicate favannas, if divided into proportionable parcels, had given a comfortable fupport to the planters family by cattle, &c. without the charge of clearing, whillt his neighbouring plantation had been going on in its improveperhaps given a feistand alarmed and disturbed with sears and apprehensions of the rest.ground to be as condition they are in to all invalions and revolts of the negroes. This, my lord, forescen and practised, had pounds an acre; although I allow the but

the people being united to refift them, and the enemy landing on the north fide would have found nothing of value to defroy, norufeful to carry befides fresh water; and this I am perfuaded might yet, by your lordthip's wifdom, be remedied, if you would obtain a law for efoheating all lands that have paid no quit-rents, and are not likely to be improved by the owners on the fouth fide, or at fome additional rent certain to the prefent improving properties; free farms, or the like titles, for a long term of years, might by law be compelled to be granted to the real planters who should request it.

but think the likelieft way would be, first, to make some new contract with the undertakers at Madrid for supplying the Spanish West-Indies with negroes, and this I am confident would be easy to be done, if your reff, methinks, not to fuffer any others to do it, and leaft of all the niards, but will find fo many obstructions from their jealousies and interests in the beginning, that will require a more than ordinary care in conducting it, and fome affiftance here at home, by making it practiadventurers, that carried on depredations there, made all the rumour of cruelty run against that nation, must long ago in policy have been prevented; for it may be truly faid, that though it has been the Spanish nagiven them no frequenter cause of enmity to us in those parts than the Dutch have done. But, my lord, to gain a trade with them. I connect lordhip would induce his royal highnefs and the African company to Spain, that they were very ready to treat with us, and to break with the Hollanders, who fupply them at prefent from Curacoa. The method then thought of for carrying on the work, if your lordfhip pleafes, shall Another great and effectual step to a trade with them, would be for us heartily to endeavour to make the navigation in those parts safe; for fince we have left diffurbing the Spaniards ourselves, and getting the little profit that accrued thereby, it should be our inte-French, who, fince fir Henry Morgan shewed them the way to take Pana-The next thing to be wished for in that world is a trade with the Spacable. It is not to be thought that the Spaniards can quickly forget all the mischiefs continued upon them by us in those parts; mischiefs, indeed, of fuch a nature that, had not the particular interests of private vigation, yet was it the English trade, that has been disturbed by privaings, had been the convoys and tharers in their rich flotas, if we had But, my lord, to gain a trade with them, I cannot endeavour it; fince I once tried the matter and found, by advice from teering in those parts; and it is not unlikely that we, instead of the Flembe prefented to you.

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be worth all the coft of reducing the French to nothing on Hifpaniola under fome regulations of perpetual guarding those seas against privateers, who, as long as they have protection from France, will otherwise ma, are the only people in the world who, in those parts, we should fear, must confers I think there is no difference between our being at war supply the South Sea, and all the riches of the world would be theirs, nor could all the frength of Europe ever recover that place, when once fortified by them. I fear I shall trouble your lordship too much with Jamaica for the time being would find the Spanish ports open to all the shipe commiffioned to that end; fo that private trade would more than recompence And [hould politics, but yet I cannot but think that a trade with the Spaniards would and the Tortugas, if a breach with them should ever happen to give opthe charges of the war, and open the way in the end for a public one, there with Spain, and fuffering others effectually to be fo; for, Panama fall to the French hands, the manufactures of France whilft our privateers wear away or are drawn off to planting. Jol portunity for it; and I am very confident that the government forever infest them. This true maintaining of the peace would leave the Spaniards without an end to the improvement begun and defigned at Jamaica; befides, if rightly confidered, except that island, the Barbadoes, Bermudas, and Then if the French should take it and make it one of excufe for their perpetual injuries in the Gulph, and make them difarm those privateers they now have just cause to keep at the Havannah, which place is fituated at the entrance of the channel, that it will be impossible to avoid their fearehes by all the force that could be placed in station there, to guard the passage through the Gulph of Florida. But some do project that the taking of the Havanna is practicable, which I will not deny, our confiderable North-West plantations, we have too much in that to Jamaica; for, in any rupture between the two crowns, the Tortugas on the coast of Hispaniola, and the Havanna upon Cuba, would leave no passage from Jamaica but through their very mouth, and then farewel to war with the Spaniards in those parts must again break out, and then their stations, what would be the consequence of such a bridle in our jaws, and the reins in the French hands—no less than the total loss of the trade the trade of logwood, fo much contended for by us, and fo much infifted on by the Spaniards; a trade, indeed, though profitable, that should either but necessary I can never admit it; for, when we should attempt it, world already.

be adjusted or deferted; for as the injuries done them by Englishmen dailord, I will prefume humbly to offer your lordship my opinion upon the feveral foregoing particulars, and it is briefly thus: first, that peace with the Spaniards in those parts is to be preferred to war. Secondly, that making war upon them there; for, otherwife, whilit we grow weak they grow firong, to our hazard and lofs, as much, if confidered on all fides, Fourthly, that the doing of it would produce private trade, and perhaps in the end introduce public. Fifthly, that before this can well be done it is abfolutely necessary, yet it is in your lordship's power, by neglecting it, to prevent its being troublesome; but, having made such remarks, I could not that might be faid. Concerning this colony, as it stands in opposition or conjunction to foreign trade and interest, I shall presume to enlarge something further, and speak of it as I think it bears to this nation or to for my opinion in this particular, if it were only to prevent your lordfhip's wafting money and time about it, should you be perfuaded like others to have fuch peace, it is abfolutely necessary to prevent the French the Spaniards. Thirdly, that an abfolute quieting of those truce-breakers, and cause them to arm upon that coast, so the logwood they find on board is the pretence and private excuse for their rapine in necessary to end the controversy about cutting wood at Campeche, & c. either by faying it is plainly ours, or by difclaiming it to the peril of the cutters. Much of this which I have faid will I believe appear superfluous and unperfuade myfelf to omit putting them in writing, and waving much more itfelf. As for the thriving and lasting commodities we can expect from the growth of it, they are only fugars, ginger, cottons, indigo, annotta; for as to that pleafant spice called pimento and cocoa, the first of them must needs be exhausted, since the trees from whence it is gathered are, about it, and it will not be impertinent for me to offer the reasons I have our conquest of the island, and of whom some yet remain free there, did fill sorebode that no cocoa which the English planted would thrive, ly, under French commissions, provoke them to esteem us thieves and making us prizes when they take us carrying it in our thips. And now, my without hopes of replanting, always cut down for it; the fecond, I fear, is as unlikely to thrive, notwithstanding the daily hopes and attempts try, till some of them first succeed. The Spanish negroes who came in after which hitherto has proved prophecy, though the reafons for it be only fuperfittious; for, upon examination, they impute the good fuccefs the Spaniards had in that plant to the religious ceremonies used at the first feas is not only very necediary and feafible but very eafy. as that of

that country, of which he hall a great quantity, a furer interest there than his plantations though confiderable, by reason of the great number of beasts that may be bred upon them. The next thing, my lord, I shall take notice of is the government of that place, which his majesty has but, confidering the Spanish policy in concealing the way of making cochineal, curing vanillas, and managing their other profitable productions in the Indies, not hitherto with all the industry of their envious that, under the ceremonies of religion, the Spaniards hid from their flaves fome necessary secret in its planting; and I am so the more, sor that it is no native plant of Jamaica, but first brought thither from the Carracas, a remote province at the bottom of the mand, fea, or gulph, of Honduras, from whence perhaps they from time to time revived their plants, with the private way of fetting and cultivating of them. I fubmit this conjecture of mine to your lordfhip's confideration, and shall proceed to acquaint your lordflip that, befides the aforefaid commodities, which I conclude as lafting as their ufefulnefs, there may also in time arife great profit by hides to the English, as formerly did to the Spaniards; and I have known fir Thomas Lynch account his favanna lands in by twelve councilors, who being appointed here without his advice, he is in fome cases refrained. These, in time of their petty parliaments, called assemblies, supply the place of a house of lords as to the legislative part, and though their power be not much, yet by the title they hold their places, which is an immediate nomination from his majeffy, either in fo that before your lordfhip takes out your warrant for your patent, nothing is more necessary to be considered than the men to be appointed of your council; for being not of your own choice, nor such as can of friars and other religious, who confecrated the walk to that purpofe; neighbours discovered, together with the ill success the English have to tion part of all powers ecclefiaftical, civil, military, and marinary, affifted but are no court of judicature nor of appeal, neither then or atother time; influence over the people, and can almost with impunity, if not well pleafed, vex and disturb the governor in most things he attempts or does; putting it into the ground, which was always done with great proceffions this time in their cocoa walks, asthenegroes have foretold, I am of opinion been pleased to manage hitherto by a governor possessed as to the executhe governor's patents or by particular figns, they have a confiderable piece in one interest for the king's and your lordship's service, you will find yourself always made uneaty by them; but, being such as you may for principles confide in, you will find every thing befides facile.

lutely necessary they should, as is practicable, be all of one interest, so it is truly so that they be not of some men's interest that have governed nor's undoubted prime counfellor, if not governor, yet he could not, upon his attempting it, get himfelf elected affembly man in any one precinct, ple are to be avoided most, not that he has many there, being a man fo universally hated, that coming back in full cry with my lord Vaughan Lynch, who for difcouraging privateering was at his first arrival there very odious to them all; and I cannot forbear letting your lordship know, before I leave this point, that fir Thomas Modyford's advice has been the cause of all or most of the dislikes and hatred that have though true may feem strange, when we supposed him here to have so great an interest that a revolt of the islanders for him might be seared at pardon me, my lord, if I presume to go further, and say that it is absofides great fums of money which he did and doth owe to his majefty; but the petition was neither procured nor figned by his interest nor for the his return thither, which is a thing has often been fuggeifed and believed. The occasion of this opinion was a petition fent to his majesty, subscribed by most of the confiderable men of the island, for his return to them as governor, when he lay in the tower charged and truly guilty of divers capital mifdemeanors, as fome papers I have by me will make appear, beattended my lord Vaughan, both here and there. He first put him together, then of running to Cape de Verd and employing a floop of his majeffy to interlope for negroes, contrary to his folemn promifes to his royal highness and the African company; and his underhand joining with others to interlope from Holland, to the advantage of fir to that island, a supposed triumpher over the court here and their govering to furnish him with house-room, meat, drink, and fruit; but, when he had gained his point thereby, and found that my lord grew hated there and slighted here, then he charged him with a bill of some thoumy lord his fole agent, truftee, and tactor, here; the doing of which, as Thomas Modyford, and not of himfelf, who, by fuch infinuations and adwhom, by falle pretences and promifes, he had procured to be made by there already; of whom, in the first place, fir Thomas Modyford's peovices as he thought propereft for my lord's nature, got into him, pretendfand of pounds for fuch petty conveniencies, at most excessive rates, having got his money before hand into the cuflody of his fon, Charles Modyford, fo much are his immoralities known and dreaded by the islanders.

blies. Without fome fuch way, that place may foon have the like conblies. Without fome fuch way, that place may foon have the time that fir vulfion as Virginia hath lately had; for, let us confider the time that fir. Thomas Modyford governed there, being about five years, during three of the fat place had no laws at all, he having held but one affembly, and government and the defence of the whole against foreign or domestic dif-turbances; but in all these is Jamaica wholly desective, and consequent-ly very subject to troubles and mutations. This might easily be remedied, if some laws were first considered of here that might provide for all those mental policy here, to keep a hand over them, that their laws, of what his majefty's great feal and fent back. This point is worth your lordhip's ferious confideration, and may admit of alterations; for, inflead of keeping the people in due obedience, it is the main four to difloyalty. Some laws, in my opinion, being abfolutely necessary in all communities to be fundamental and no ways subject to accidental diffolution or change, reign authority; next, those that respect possession, succession, or inheritance; and lastly, such as have a regard to the ordinary support of the as they can, firive to imitate our English house of commons, and when no taxes but from two years to two years, because an instruction hath hithey are not in humour can be as troublefome; for the revenues of the island being to be raised by their act, they are so jealous that they will lay nature foever, should last no longer than that time, except ratified under count there for his former actions, whereby your lordship will make him more yours than all the obligations in the world can do, for he dare probelieve he could not have put into a worfe man's hands; for, befides his declared and avowed antimonarchial principles, he is the openeft atheift your lordhip not only to be careful, to avoid mixing with Es himself an avowed enemy to all gratitude and other laws of humani-I shall make mention in the next place of the lower house of assem-which consides of about thirty-fix members, elected by the freeholders of the feveral towns and precincts, two for each; and thefe, as much therto been given to the governors, and indeed is made a kind of fundafeveral heads, and be fent thither under the great feal, to be the foundation of their government, and guides to their proceedings in their affemwell as all other things, he advised not my lord of, and has thereupon taken from him the chief-justice's place of the island, which I do verily and most profest immoral liver in the world, as your lordship will foon discover if ever you have to do with him; so that I am confident it would but likewife to get some particular instructions to call him to acas to instance only in few: first, such as require obedience to the be necessary for

and hat at his first coming; whose laws, for two years, he transmitted h re pretending to have them ratified, but fo contrived that my lord Clar ndon, their chancellor, should be the person should take care of doing it; which, being neglected, as it was not unlikely it would be amongst his confequence; for why should a mighty volume of statutes, one half of greater concerns, fir Thomas made by that means his will his law, governing by that in his own breaft; and to this day they have had no proceed-Another thing of pernicious confequence to that place, has been a law he at first introduced, and hath ever fince continued by those that get by it from two years to two years, which is, that all the laws in force in England are fo here too: A thing ridiculous in itfelf, and extremely troublefome in its which are either ufelefs or vexatious to ourfelves here, be at one time introduced there, where in an hundred years they cannot be confiderable this fir Thomas Modyford invented, that he might encourage a parcel of lawyers. My lord, this is worthy your lordfhip's confideration; and fuch statutes as might be adapted to the place might be called out here, and ratified amongst the fundamental instructions that are necessary to be sent. under the great feal, for the perpetual governing of that country, by which. petty-foggers to fet the people together by the cars, in the endlefs laby-rinths of law, whilft he, having a fmattering therein more than the reft, might become the fole oracle to them and the whole colony. This, my rather hurt than good, for the lawyers suppressed, and the laws continuing the whole wealth of the island came into the hands of attornics and focouraged by the litigioufnefs of knaves. Befides, my lord, if fome laws as voluminous as before, the cunningent knave carried all before him; and, ing the wolves increase, they were forced to let go the tamer devourers the of the feveral kinds aforefaid were perpetuated, then might a governor act for the fervice of his majefty and good of the colony without fear, which he can never do till fome revenue for the necessary support of himindeed, none but fuch as intended to cozen every body durit or did become administrators to the dead, or guardians to children, fothat, perceivmeans matters will be not fo intricate as they are now, nor the colony dilfelf be made perpetually; for, to be at the mercy of the rabble every two years for what shall defray his expences, is a trouble not to be supported licitors, and became fo grievous that the affembly, in fir Thomas Lynch' time, made a law that every man should plead his own cause. This did enough in number to have occasion for the hundredth part of them. lord, he did to encourage vexatious and troublefome proceedings, ings of his during that time either ratified here or there.

by a generous and great mind, and forces the governor upon little popular formity with the practice of this kingdom. There is first a court of chancery, which is held by the keeper of the great seal of the island, who is at present the governor, and I suppose will still be so. The proceedings tricks to infinuate by, and gives difcontent here. My lord, I cannot chule other hands than I am able to give; but neverthelefs, fince I have gone for, I will proceed to take further notice of the government there, which, but think once more it is necessary to be faid of this matter, though I confels too that which is here discoursed by me may seem impertinent, since it is likely your lordfhip has had better information concerning things from vernor is by the keeping of the feal chancellor, he hath thereby the granting all lands with a fee belonging to it, as also the naturalizing all firangers, as well Jews as others, having for every Jew upon his naturalizing, I remember, one hundred and twenty pounds. He likewife probate of wills, licenses for marriages, and other matters ecclefiastical. So much, my lord, in short, for the seal. The next court is that they call the grand court, which hath a chief-justice, assisted with three or four more other judges, at the pleafure of the governor; out of this court isfue all original writs and process, directed to the marshal-general or his deputies, who supply the place of sheriffs all over the island. This place fir Thomas Lynch hath by patent for life. The grand court hath certain, who can only hold plea under five pounds, receipt by writ of justiciary, issued from the chief-justice of the island. There are three there in equity are much of the nature of ours; but besides that the gothereby grants cure of fouls, administrations, guardianship of children, dividing with him took the place away. The next court confiderable is one of common pleas, held at the town they called the Point, by judges all the jurisdiction executed here in the king's bench, common pleas, and exchequer, and is held by way of grand sessions or terms at the town of St. Jago de la Vega. Sir Thomas Modyford was chief-justice, and his creatures his fellow-judges there, until of late, when my lord Vaughan ter-fessions held in every precinct of the same power with these in this There is or more judges, wherein my lord Vaughan placed fir Henry Morgan, colonel Byndlofs, &c. which court exercife all power that the admiralty other courts of the like nature with this. Befides thefe, there are quarkingdom, having cuffes rotulorum, clerk of the peace, &c. There is also, besides these common law courts, a court of admiralty held by one These are all the ordinary courts of the island; but, upon can do here.

places both military and civil, except the two general officers, the twelve councillors, and patentee places. The next thing I shall observe to your lordship is the revenue, which arises principally by the customs or impositions upon wines, brandies, beer, ale, and all other imported comworth, one of the council, does mount every Sunday to wait on the governor's coach to church, if at St. Jago. The colonels are generally of of men in arms there, being all whites above fixteen years of age that are one month refident in the place, amount to above five thousand, un-This, befides exerthe council, but all at the disposal of the governor, as indeed are all other is a place abfolutely necessary, and of great use for the strict observing that the proportions of whites be kept up according to the law, in which confifts a great part of the fucurity of our lives; but of this much will fall under your lordflinp's confideration, when you shall think of the African company's fuffered, will infallibly produce clamour and trouble to the governor; for, if it be his care only to fupprefs them, then he will lofe the good will of his people if he be zealous in it, and if he be not he has undoubtjusted, authorized, and put under the inspection of a major-general, will prevent all mistakes and clamours against the governor, and be five times the profit to him, than joining in interloping (as fome governors have done) can be. I shall not enlarge upon this without your lordship's further commands, but proceed to acquaint your lordfhip, that the number der colonels, &c. much in the nature of a militia, but upon occafion a little more fubject to martial laws; and befides those at the Point, do in their turns keep guard at the fort there, and also ferve instead of constables and watches to keep the streets quiet at night. The officers in pay are only a governor of the fort, and one or two more. This, besides exercife, is all the duty of the foldiers, except that a fquadron of the governor's own troops, commanded at prefent by one captain Hender Molefeccations, criminal courts of the overand terminer are by the governors erect of where they have been pleafed. Some ... them upon extraordinary defign, Atprefent, fir Henry Morgan, who is likewife by patent lieutenant-general, and a major-general at prefent, vacant by the death of major-general Banister. The office of the last, besides the command that the title implies, hath been in fome fort commissary-general of the musters, which interest in that island, and the way to prevent interloping, which, whilst edly loft the friendship of the company, and confequently of his royal But this well adto hang a man, do fit judges themselves. For the military power, it has usually been in the hands of the governors, affifted by a lieutenant-general highnefs, which will make him more uneafy at court.

hundred pounds per annum. There are also his majesty's rents for the lands granted, which, were all paid that were due, would amount to near necessary law and an escheat. This quit-rents have been hitherto a perquifite of the governments; for, by reason, that his majesty, by his original charter of settlement of that island, was pleased to free it from anand so, for the future, they might be forced to live under fuch only as the king's royal pleasure should appoint them. This revenue is not much, little furplufage for fortifications and other incidents, fo that indeed it is or ought to be, by the establishment upon it, at least three thousand five thousand two hundred, or a thousand three hundred, pounds per annum. modities, imposed by act of affembly from two years to two years, for of them; left fuch laws as are fent home for ratification, which are for their interests and fasety, should become void for want of such meetings; annum, a lieutenant-governor fix hundred pounds per unnum, befides their establishments in England; the chief-justice has likewife a hundred vernor of the fort and other officers of the fort, cuftoms, &c. befides a two thousand pounds per annum; this might however be remedied by a Iwering any profits to the crown for a certain number of years, feven or eight whereof are unexpired, no account is demanded hither from thence, and they have been wife enough not to let the country call them to an account for the rents of the land, which they, as flewards to his majeffy, have a right to receive. Something further is worth your communicate my thoughts of. My lord, this is all I can properly call revenue, though there are other profits that accrue to the governors di-But, not to make my account longer than the matter requires, I shall in short declare that which I believe, that government is uprightly at prefent worth, not mentioning the cafual profits fuch a place may bring in, between five and fix thousand pounds per annum, which I reckon by these branches: -One thousand six hundred pounds from England, per annum; fand and the profits arifing from the feal by naturalization, &c. about a This is truly near the matter, though fome will undervalue it, and reckon it much lefs; others again are as extravagant in their computations, cal-ling it ten or twelve thousand pounds per annum. I must confess I belonger they will not trust the governors to omit the necessity of calling and twenty pounds per annum out of it, with fome falaries to the gotwo thousand from the country's establishment, the quit-rents; one thoubut (ufficient at prefent to pay the governor two thouland pounds per vers ways, as by the feal of admiralty, forfeitures, &c.

arts, but plainly and above-board offers counfel, which, if accepted, no man more zealous by labour to make his advice fucceed; but, if not, terested zeal to your service, though I must confess there is no man's in the world, except the king's commands and business, should be so embraced by me; for, like every body elfe that has had the honour of knowing your lordflip, I am one of your true admirers, and shall upon jefty's and his royalhighneffes, no health fooften drank, especially at his one of the most able understandings that I ever yet met with; and, were my judgments confiderable to your lordship, I should not stick to own I then his flanding but by, and retiring without one word of difcontent, as my lord Vaughan to his great lofs in the affembly he called, for clofing with fir Thomas Modyford and neglecting fir Henry Morgan and his forced him upon little violences, which have aggravated matters against him. This I have the more enlarged upon, knowing fome perfons here may give a contrary character of the men, it being their interests to do fo. When I reflect, my lord, how tedious I have been, I am ashamed, fir Henry from his eminent and famed exploits in those parts, together Byndlofs by the fame generofity and franknefs of converfation, mixt with think, confidering every thing, few clearer thinkers are to be found in the world, though having a plentiful fortune, which he has acquired there by his industry, he does not bend himself to flattery and other little fluence things to go uneafy with any man that has use of those people, lieve a governor of your lordship's qualities and qualifications would foon find it increased by the country's kindness, nor would any man, I humbly conceive, in this nation find fo eafy as your lordthip would do, whose name, by honeft fir Henry Morgan's means, is as generally mentioned with honour and good withes in their healths as if they had found the good effects of your lordflip's government there already, and, next his maand his brother's in law colonel Byndlofs's tables, and thefe are the two men indeed who have the true and most prevalent interest in the country; with his generous and undefigning way of converfing with them, colonel being more jolly than envious in his temper, yet is that fufficient to inbrother Byndlofs, all things went heavy that concerned him there, and your lordthip will excuse it, since it proceeds from a difinall occasions endeavour to express myself, my lord,

Your lordflip's most humble and most obedient fervant,

(are)

THE EARL OF CARLISLE'S SPEECH

TO THE

ASSEMBLY OF JAMAICA, 1678 & Long aformely & Long

THE HEADS OF THE SPEECH.

came; neither could he answer for the exactly true writing of them, because the great seal was affixed to them but two days before he came away, and so had no time to compare them. *HAT he would not fay the body of laws which he had now brought council of plantations having had but one day of meeting after they

might observe some alteration in the model of the laws, the stile and title being changed to the king and assembly, which we had no reason to be displeased at, it being a greater honour than any plantation ever he faid that were prefent, when his commission was published,

That the laws which were to be made for the future were to be made like as they are made in Ireland. That we were under great obligations to his majeffy for his particular care hoped it would oblige us to fuch fuitable returns as his majefty might be and extraordinary charges in maintaining this island, and therefore he

That the king looked on this island as his darling plantation, and has taken more pains to make this island happy than any other of his colonies.

be the act of the revenue, and that there was a necessity of making some dispatch of it, because of arrears due to the officers and forts lately built, That among other acts he should fend us to-morrow, the first would for which people were yet unpaid; for the building whereof we flood obliged to fir Henry Morgan for his care and pains.

That

That his majeffy was displeased with us for passing some acts in former assemblies, without using his name, and that never yet any such thing was done in any of his plantations or dominions. That, in the acts of but he hoped none would be willing to derogate from the power his majefty gave his governors in his commissions, and that he hoped if scruples did arise amongst us we would repair to him before we passed militia last made, there was a clause lest out faving the governor's power, any vote, that he might fatisfy us. That he much coveted things might be fo managed that the king might be fully fatisfied with us; that the reftraint that both he and we lie under in the new laws he brought over cannot be altered, for that he had no power to do it, but should be glad if he had.

That he always had been accounted a man of property, and was in nothing more affected than to do good to this place, and came with an intent fo to do, and therefore would not by his power-lead us into inconveniences or our posterity. A REPORT

AREPORT

RIGHT HONOURABLE THE LORDSOF THE COMMITTER

FOR

TRADE AND PLANTATIONS,

TO THE KING,

At the Court of Whitehall the 28th of May, 1679. On forest to down of c

The KING's mest excellent MAJESTY,

PRESENT,

Lord Roberts, Mr. Seimore, master of the ordnance. Lord Archbishop of Canterbury, Vicoum Halifax, Lord Bishop of London, Viscount Faulconbridge, Duke of Lauderdale, Duke of Newcaftle, Lord Chancellor, Lord Privy Seal, Lord President, of Effer, Earl of Bath, Earl

Mr. Secretary Coventry. Marquis of Winchester. Marquis of Worcefter, Earl of Salibury, Earl of Bridgwater, Earl of Sunderland, Sir William Temple, Lord Chamberlain, Sir Henry Capel, Lord Cavendift, Lord Ruffel, Mr. Powell, HEREAS there was this day read at the board a report from the right honourable the lords of the committee for trade and plantions, in the words following:

MAY IT PLEASE YOUR MAJESTY,

WE have, in obedience to your majefty's commands, entered into the confideration of the prefent state of your majesty's island of Jamaica, in affembly of Jamaica with a power to frame and enact laws, by the advice of condition thereof; occafioned by the refufal of the laws lately offered by ments your majefty's good fubjects there lie under, by the unfettled the earl of Carlifle to the Affembly for their confent; at which proceed. ings difatisfaction appears to have rifen in the manner following: By the commission granted by your majesty unto the lord Vaughan and several preceding governors, it was your majefty's royal pleafure to intrust the the governor and council; which laws were to continue in force for the space of two years and no longer: but fo it hath happened, that your majefty, finding the inconveniences that did attend that power and manner of order to propofe fuch means as may put an end to the great difcouragemaking laws, by the irregular, violent, and unwarrantable, proceedings of the affembly, was pleafed, with the advice of the privy council, to provide, by the earl of Carlille's commission, that no laws should be enacted in Jamaica, but fuch as, being framed by the governor and council, and transmitted unto your majesty for your royal approbation, were afterwards remitted unto Jamaica, and consented unto by the assembly there; and, the great feal of England; which laws, upon his lordfhip's arrival there, have been rejected by the general affembly, upon grounds and reafons in purfuance thereof, the earl of Carlifle carried over a body of laws under contained in an address to your majesty's governor, and in divers letters received from his lordship in that behalf.

-In the first place, we find, they are unsatisfied with a clause in the militia bill, whereby it is provided, that the governor may upon all occafions or emergencies act as governor-in-chief, according to and in purfuance of all the powers and authorities given unto him by your majefty's commiffion; fearing that thereby they shall make it legal to execute all infructions that either are or shall be sent unto your majeffy's governor.

2d.-They have likewife rejected the bill for raifing a public revenue, as being perpetual and liable (as they fay) to be diverted. 3d.—It is objected, that the faid laws contain divers and fundamental

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4th. - That they were not compared with and amended by the laft Jaws fent over by the lord Vaughan. -That the distance of place renders the present method of making la vs wholly impracticable. 6th.-That the nature of all colonies is changeable, and confequently the laws must be adapted to the interest of the place, and must alter with it. 7th. - That thereby they lose the satisfaction of a deliberative power in

8th.—That this form of government renders your governors abfolute.

oth.—That by the former method of making laws your majefty's prerogative was better fecured.

tion, fuch a fhort answer thereunto as may not only give a testimony of when occation shall ferve, with fuch arguments as may be fit to be used in justification of your majesty's commission and powers granted unto him. the unreasonableness of their proceedings, but also furnish the governor, Thefe being the objections and pretenfions upon which the affembly have, with fo much animofity, proceeded to reject those bills transmitted by your majeffy, we cannot but oiler, for your information and fatisfac-

the fole supreme government, command, and disposition, of the militia, and of all forces by sea and land, and of all forts and places of strength, is -It is not without the greatest prefumption that they go about to been allowed and declared, even by the laws of this your kingdom, that question your majesty's power over the militia in that island, since it hath refiding with your majefty, within all your majefty's realins and dominions.

fame shall be for the better support of that government; besides, that it is not suitable to the duty and modesty of subjects to suspect your ma--The objection made against the bill for the public revenue hath ly offered by them unto your majefty, during the government of fir Thomas Lynch, in the fame meafure and proportion as is now propofed; nor can it be diverted, fince provision is thereby expressly made, that the as little ground, fince its being perpetual is no more than what was formerjeffy's juffice or care for the government of that colony, whole fet-tlement and prefervation hath been most particularly carried on by your majefty's tender regard, and the great expence of your own treafure.

and great errors, nothing having been done therein but in purfuance of former laws, at divers times enacted by the affembly, and with the ad-3d.- It cannot with any truth be faid, that thefe laws contain many vice of your majeffy's privy-council, as well as the opinion and approbation of your attorney-general, upon perufal of the lame.

had been found of moment or importance in the laft parcel of laws 4th. - To the fourth objection it may be answered, that, if any thing transmitted by the lord Vaughan, your majefty's tender care of your fubjects welfare would have been fuch as would not have fent those bills imperfect or defective in any necessary matter.

jefty, whereby the inhabitants have free accefs to make complaints to jefty and council found reafonable, may be transmitted back thither to 5th. - Asto the distance of place, which renders, as they say, the prefent pleafed to regulate the fame by the advice of your privy council, according to the ufage of Ireland, fuch care was then taken that no laws might be method of making laws altogether impracticable, your majefty having been wanting which might conduce to the well being of that plantation, and that nothing might be omitted which in all former governments had been or fudden change of laws in other cafes than fuch as are already provided your governor and council, of any defect in any old law, or to give reacil into form of law, and transmitted unto your majesty, if by your mathought necessary; nor is it likely that this colony is liable to greater accidents than your kingdom of Ireland, fo as to require a more frequent for upon emergencies, or in other manner than is directed by your mafons for any new one, which being modelled by the governor and counbe enacted accordingly. 6th. It was fufficiently apparent to your majeffy, that laws must alter with the interest of the place, when you were graciously pleased to lodge fuch a power in that government as might not only from time to time, with your majeffy's approbation, and by advice both of your privy council here, and of your governor and council there, enable the affembly to enact new laws answerable to their growing necessities, but even upon

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urgent occasions to raife money for the fecurity of the island, without attending your majefty's order and confent.

may appear by their late exorbitant and unwarrantable proceedings during the government of the lord Vaughan, in ordering and figning a warrant unto the marfhal of the island, your majesty's officer of justice, for the the ordinary forms of law, upon a notorious pirate and diffurber of your majefty's peace. And they have further taken upon them, by virtue of grafp all power, as well as that of a deliberative voice, in making laws; but how far they have thereby intrenched upon your majefty's perogative, and exceeded the bounds of duty and loyalty upon this pretence, stopping and preventing the execution of a fentence, passed, according to this deliberative power, to make laws contrary to those of England, and pleafure, without any mention made of your majefty, which hath never in like cases been practifed in any of your majefty's kingdoms. How far, majesty's royal commission, when you were pleased to put a restraint upon their enormities, and to take the reins of government into your to imprison your majeffy's subjects; nor have they forborne to raise money by public acts, and to dispose of the same according to their will and therefore, it is fit to intrust them with a power which they have thus abused, and to which they have no pretentions of right, was the fubject of your own hands, which they, in exprefs words, against their duty and alle-7th.-It is not to be doubted but the affembly have endeavoured giance, have challenged and refused to part with.

8th.—It cannot with any truth be supposed, by the present form of government, that the governor is rendered absolute, since he is now, more than become accountable to your majefty of all his most important deliberations and actions, and is not warranted to do any thing but according to law and your majefty's commiffion and infructions, given by advice of your privy council.

-And whether your majefty's perogative is prejudiced by the present constructions, is more the concernment of your majefty and the subject of your own care, than of their confiderations. And laftly, and in general, we humbly conceive that it would be a great when they shall know what laws they are to be governed by, and a great fatisfaction to your fubjects there inhabiting, and an invitation to ftrangers,

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powers as were formerly given to colonel Doyley your first governor of Jamaica, and fince to other governors, whereby his lordthip may be them, and that your majefty's refolutions in this cale are like to be the meafure of refpect and obedience to your royal commands in other colorize and impower your governor to call another affembly, and to reprefent to them the great convenience and expediency of accepting and confent-ing unto fuch laws as your majefty has under your great feal transmitted enabled to govern according to the laws of England, where the different afe to the planters not to be continually attending the affemblies, to reenact old laws, which your majefty hath now thought fit in a proper form to afcertain and establish; whereas the late power of making tempoagreed on by the people, and finally enacted by your majefty, in fuch manner as hath been practited in other your majefty's dominions to which your English fubjects have transported themselves. For as they cannot first beginning of that plantation, been governed by fuch instructions as were given by your majefty unto your governors, according to the power tic act ever yet parted with, and having never had any other right to affemblies than by permiftion of the governors, and that only temporary and for probation, it is to be wondered how they should prefume to prothem merely out of favour, and difcourage your majefty from future experiment, to fee what form would fuit best with the fafety and interest of the country, shall be construed to be a total refignation of the effential ingredients of their fubfiftence and well-being, may take place among them. Since, therefore, it is evident that the affembly of Jamaica have, without any just grounds, and with so much animosity and undutifulnefs, proceeded to reject the marks of your majefty's favour towards nies, we can only offer, as a cure for irregularities paft, and a remedy unto them, and that in cafe of refufal, his lordship be furnished with fuch pretend to greater privileges than have been granted to them, either by charter or fome folemn act under your great feal, fo having, from the your majefty had originally over them, which you have by no one authenvoke your majefty, by pretending a right to that which hath been allowed favours of that kind, when what your majefty ordered for a temporary power inherent in your majefty, and a devolution of it to themfelves and their wills, without which neither the law nor the government, the against further inconveniencies, that your majesty would pleafe to authorary laws could be understood to be of no longer continuance than until fuch time laws, founded upon fo many years experience, should be

nature

account of all his proceedings, in purfuance of your majefty's inflructions shall be held necessary and proper for the good government of that plantation, until your majefty's further orders; and that by all opportunities nature and conflitution of that colony may conveniently permit the fame, and in other cases to act with the advice of the council in such manner as of conveyance the governor do give your majefty a conitant and particular

Upon reading which report, and full debates thereupon, his majeffy wasfructions as may answer the several parts and advices contained in-Coventry is hereby directed to prepare fuch fuitable orders and inpleafed to approve the fame, and the right honourable Mr. Secretary this report.

ROBERT SOUTHWELL

3

A. A. DDRESS

OF THE

ASSEMBLY OF JAMAICA

TO THE

EARL OF CARLISLE.

To his excellency Charles earl of Carlifle, &c. captain general, governor, and commander-in-chief, of this his majefly's island of Jamaica. The humble address of the assembly of this his majesty's island of Jamaica, in answer to the report of the right honourable the lords of the committee of trade and plantation, made to his majefly and council, which we entreat your excellency may be humbly prefented to his most facred majesty and

MAY IT PLEASE YOUR MAJESTY,

majeffy But left our filence obedient subjects, and those who acknowledge and are truly sensible of the many favours received from your majefty. The truth of this refting only on matter of fact being related, and the falle colours which hitherto have been thrown on us being washed off, we shall not doubt but your deferved we should, like Job, have faid, Behold we are vile: what shall The truth of this refting VE, your majefty's most loyal and obedient subjects, the affembly of this your majefty's shand of Jamaica, cannot without infinite should argue our guilt, we shall, in all humility, endeavour to make the relations made by their lordfhips unto your majeffy, they have re-prefented us as a people full of animofity, unreafonable, violent, irregular, undutiful, and transgressing both the bounds of duty and loyalty; the bitternefs of which characters were we in the leaft part confcious to have appear that we have always demeaned ourfelves as becometh good and grief of mind read the report made to your majefty by the right honourable the lords of the committee for trade and plantations, wherein, by we answer? we will lay our hands upon our mouths.

must therefore humbly beg your majesty will with patience be pleafed to hear the account of our proceedings, which, truly to manifest, we must be forced to look back so far as sir Charles Littleton's and fir Thomas Modythe fupreme authority; when, after, upon their feveral arrivals, by order from his majefty, and according to the method of his majefty's most antient plantations, they called an affembly, and fettled the government of the illand in fuch good form that, until his excellency the earl of feveral governors in that time were changed, which must necessarily infer increafed, as is evident by the great number of thips laden here by the industry of the planters, and the fatisfaction they received by those of which laws we had no reafon to expect, being done on fuch mature ceive the island really began to take up the form of a civil government, your majeffy thought not fit to alter it, though the goodness and reason of it, as well as the fatisfaction of the people; fince from that time they betook themfelves to fettle plantations, especially the merchants; by which means the effates here are wonderfully wholefome laws then begun, and until that time continued; the change deliberation from home. But, to return to our answer, the first thing their lordfhips are pleafed to accuse us of, is our prefuming to question. your majefty's power over your militia, which how much they are mifinformed in it, will hereunder appear; but we must first repeat the clause and declared by the authority aforefaid, that nothing in this aft contained be or abridge, the ford's entrance upon their government; at which time we humbly conand wholly to lay afide that of an army, which, until that time, was deemed against which we humbly conceive we had just reason to take exception, power of the governor or commander-in-chief for the time being, but that in and governor-in-chief, according to, and in purfuance of, all the powers and authorities given unto him by his majefly's commission, any thing in this act, or in any other, to the contrary in anywife notwithstanding. In their lord-ship's observations, in which they take no notice that the power given by unto, there is no occasion for making any other law, because that makes all the powers and authorities given by his majesty's commission, and by which is as followeth, viz. Provided always, and it is hereby further enacted all things he may, and upon all occapons or exigencies, act as captain-general that claufe extends as well to the governor as captain-general, nor of the words, any thing in this act or any other to the contrary notwithstanding; which words, being plain, need no references to expound them, and, being confented majeffy will entertain a better opinion of his fubjects of this island. alter, to diminish, erpounded, construed, or understood, Carlifle's first arrival,

that commiffion the infructions which shall be after given to him, to be law, though it be the nulling of any beneficial law made either here or in England, by which we are fecured both in life and effate; the like of whatfoever, and in effect is to enact will to be law, and will be confirmed, we fear, to bind us by the old rule of the law, that every man may renounce his own right. And if their lordships had been pleased as well to have remembered the other clauses of the act of the militia, we cannot think they would have faid we had questioned your majesty's power over it; for no act of England gives your majefty the like power over the militia as ours doth; for, on any apprehention of danger, the general with his council of officers, have power to put the law martial on foot for what having been to often put in practice, will need the lefs proof: but how been done in those times by the charge and labour of your majefty's time they pleafe, and to command us in our own perfons, our fervants, negroes, horfes, even all that we have, to your majefty's fervice, which readily and willingly we have obeyed, and in that faith is best justified by works, it will not be amifs to instance sometimes, and what hath fubjects here, under the feveral governors, none of which have left unexperienced the strength of your majesty's commission, and the virtue which was never done in any of your majefty's dominions and force of the act upon the leaft feeming occasion.

1666, the whole island was put under law martial for many months together, in which time, by the inhabitants and their blacks, Fort-Charles was made close, which to that time wanted a whole line; and also a In the government of fir Thomas Modyford, in the years 1665 and breaft work at Port-Royal was built, with very small charge to your majesty. In the time of fir Thomas Lynch, in the year 1673, the law martial was again fet on foot. Fort-James built by the contributions of your majefty's council and affembly, and feveral other your majefty's fubjects this island, which amounted to a very confiderable fum of money; thrown up at Old Harbour and feveral other places, and guns mounted and a platform laid at Port-Morant.

In the lord Vaughan's time, though there was no probability of war, yet he wanted not the trial of his power alfo in the militia, and our obedience to it; for he commanded out a company of the inhabitants in fearch of a Spanish barqua longe, who was faid to have robbed a floop belonging to this Mand upon the coast of Cuba; he likewife, in favour of the royal com-

pany, commanded out to sea two vessels with a company of the militia and their captain from Port-Royal, to feize an interloper riding in one of your majefty's harbours, and there by force feized her.

In the time of fir Henry Morgan being commander-in-chief, we were again put under martial law; in which time Fort Rupert, Fort Carlille, and a new line at Fort James, were built.

nor, the law martial was again put in force for above three months; in which time Fort Morgan with its platform, and another line at Fort the like military duty as your majefty's fubjects in Jamaica, as is evident to all men that ever fet foot in Port-Royal, which cannot be diftinguished from a garrifon either in peace or war, but by their not being James, and the breaft work reinforced very confiderably in thickness and heighth, and new carriages were made for the guns, those that came out of England not being fit for land fervice; all which fortifications are your majefty's governors, the militia having always waited on them to church, in their progreffes and all public occasions; and we may fafely affirm with truth, that no militia in your majefty's dominions undergo Laftly, in his excellency the carl of Carlifle's time, our prefent goverof the country; neither have we ever been wanting in due respect to substantially built with stone and brick, wholly at the charge and labour paid for their fervice.

Secondly, to answer their fordships objections to the bill of revenue. ing your majeffy's name, and that without check; and we always concluded the governor's name in the enacting part to be of the fame effect. as your majesty's is in England, whom he in this particular feems rather wherein your majefty's name was left out: there are feveral members of the affembly now fitting, that were members when that bill paffed three down with that amendment from the governor and council, according as it passed at the last; but, should it have rifen in the assembly, they are very unfortunate if they bear the censure of all mistakes that may happen in prefenting laws to be paffed, when both the council and governor have their negative voices, which had either of them made ufe of in this times in form in the affembly, and, upon the best recollecting of their memories, they are fully perfuaded and do believe the bill was again fent formerly done, both under the government of fir Thomas Modyford and ir Thomas Lynch, before whose time it had been raifed without mentionpoint would have been readily confented to by the affembly, as they had

vernor's warrant, for the payment of his own and other general officers confented unto by your majefty's governor, without any debate, and all applied by the act whereby it was raifed to the very fame public ufe your majefty directs; and we are certain no inflance can be given of any For which reasons, we hope, it ought not money diffosed of to any private use, but was always issued by the goto have been imputed to the affembly as their crime altogether, being falaries in this island, with fome finall contingent charges of the government. to perfonate than reprefent.

great fums of money have been for the defence and ftrengthening been applied to your majefty's fervice for the defence and ftrengthening the particular uses therein appointed: but had their lordships known how great sums of money have been raised here, and how small a part hath opinion, that we have no reason to bar ourselves to perpetuity, and pass tuous as to imagine your majefty can be hindered from making fuch ufe of your own money as you shall think fit, and apply it where you think Their Jordships also affirm, that the affembly offered this bill, in the fame meafure and proportion as it is now propofed, unto fir Thomas Lynch: in which their lordthips are mifinformed; for your majefty's instructions were, that the laws should be in force for two years and no longer, which their lordships also acknowledge in the prior part of the report; so that the affembly needed not to have expressed any time, and the faid act without limitation of uses or time; nor can we be so prefumpthe island, we humbly conceive their lordships would have most necessary. Thirdly and fourthly, it is very true the laws contain many and great errors, which their lordships may fee by the assembly's journal; fo that venient, was never till then accounted capital; with many others too and the act of the militia impowers the governor and council to lay a tax law, fo that a man may be hanged for being poor, which, though inconthat there is nothing imperfect or defective in these bills transmitted were the affembly as much petitioners to your majeffy for this new form fire, any fingle justice of the peace hath power of life and death: Secondly, on the whole island: Thirdly, and in the act directing the marshal's proceedings, there is a claufe that makes it felony for any person to conceal his own goods, left in his own possession, after execution levied by that as they are to be reflored to their old, above half the body of thefe laws, fome few amongst many: First, in the act for preventing damages by without amendments, would never be reafonable to pafs.

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ject to more accidents than your majesty's kingdom of Ireland: To that we object, that advices and answers thence may be had in ten or fourteen according to the laws of England, either in causes criminal or testamentary, and in many other cases which concern the subject both in life and being a year fince this model came over and was debated before their lordhip's report came back, notwithstanding one of the advices went home by an express. And, whereas their lordships say we cannot be subdays, and that kingdom is already fettled, and our plantation but begining: And further we cannot imagine that Irish model of government was principio ever intended for Englishmen: Besides, their lordship's canthe plantations, for obliging us by them to what, and with whom, and in what manner, we may trade, and impose a tax on us here in case of trade of laws how or in what nature we are to make use of the laws of England, fuit with his occasions; there being no directions in them how to proceed Fifthly, we conceive alfo, that, whatfoever is faid to the contrary by their lordships, in answer to the distance of places, this very last experiment is fufficiently convincing of the truth of that allegation; it not but know, that that model was introduced amongst them by a law to, ever providing, that, on alarm or invafion, the commander-in-chief shallas they have reference to the prefervation of your majeffy's prefent to those bills; for, nothing appearing to the contrary, the governor is left, ad libitum, to use or refuse as few or as many as he pleases, and being now generally known to all those who remove thither, they have no tion. As there is not the fame cause, so there is not the same reason, for imposing the same on us, unless we, as they did, do it ourselves, who are all your majesty's natural born subjects of your kingdom of England: which is the reason the parliament give, in all their acts which concern hither; yet we humbly conceive, that no notice being taken in this body rogative or the fubjects rights, we ought not in reafon therefore to conreason to repine at, that being their own choice to live under it or stay away from it, and was made for the prefervation of English against the Irish facfrom one colony to another; and it is but equity then, that the fame law should have the fame power of loofing as binding. Sixthly, your never defired any power but what your majeffy's governors affured them only secures your majesty's officers their falaries, which else they had been have unlimited power over all perfons, estates, and things, necessary on fuch urgencies. Seventhly, as to the feventh, the affemuly fay, they disappointed of; the act of the militia, which was heretofore consented majefty giving power on urgent occasions to raise money the old made by themfelves in Ireland, and fo confequently bound them,

have, and all fpeakers here praying, and the governors granting, the ufual petitions of fpeakers in England. Eighthly, feeing the governor hath power to turn out a councillor, and turning out incapacitates him from being an affembly man, no councillor dares give his opinion against the governor, under danger of less penalty than losing that which he thinks his birthright: also, a governor being chancellor, ordinary, and admiral, joined with his military authority, lodges so great power in him, that being united and executed in one person makes him totum in qualibet parte, It is without controverly, to write a letter to your governor fir Thomas Lynch, after the double trial of one Peter Johnson, a pirate, fignifying your diflike that any thing should be done that should cause any doubt in your subjects, of not enjoying all the privileges of your subjects of your kingdom of England, or to that effect. But as to the obstructing of justice against Brown, a piece to that majefty and council perceiving, have, in this new body of laws, tent one act by which he came in, it arose not in the assembly, but was fent from the for other misdemeanours and breach of the rules of the house: they hope affembly's power to confent to and perpetuate fuch laws as are wholly of to your majeffy; which advantage, they not laying hold on, hope it will be an evidence that they are careful of your majeffy's pierogative, as it is the duty of every good fubject to be. It is without controverfy, rate, what they did, though not justifiable in the manner, was out of an affurance, that there was no law in force here to declare the lord chanto supply that want: And if they, not medling with the merits of the cious proclamation allowed them: also your majefty was gracioufly pleafed cellor's power in England, and our chancellor's here equal, in granting commissions in pursuance of the statute of Henry VIII. which also your cause, endeavoured to preserve the form of justice, and justice itself, and after denial of several petitions, joined with the council, were led beyond they do hope for and humbly beg your majeffy's pardon. And, as for the And as to the imprisonment of Mr. Thomas Martin, one of their members, for taking out process in chancery in his own private concern, against several other members, and one of the council, the assembly then sitting, and it is justifiable, your majefty's governor having assured them, that they had the same power over their members which the house of commons fo that he may at any time invalidate any thing done under his own commission. Ninthly, there is no doubt but, by this new way, it is in the benefit to them, and leave unpaffed all that may be thought of benefit theirduty (for which they were tharply reprimanded by the then governor) council, to be confented unto by them, which was accordingly done. was their birth rights, and what they supposed your majeffy's most

that the old form of government, which was ordered to much like your majefty's kingdom of England, mult of confequence be of greater encouragement to all your majefty's fubjects, as well as ftrangers, to remove themfelves hither. Upon your majefty's gracious proclamation, in my lord Windfor's time, and by those gracious infructions given to sir Thomas Modysord, all or most part of the sugar plantations have been settled; and the major part of the said planters, being such who arrived here and ferving our own privileges and estates, we shall presume to hope for the continuation of your majesty's favours, which it is impossible for us that they loft not any of the privileges of your majefty's fubjects of your majefty's kingdom of England by their removal hither, and having by no advice to your majesty, to furnish your governor with fuch powers as were formerly given to colonel Doyley and others, in whose time the then accounted army was not disbanded, but so continued to the lord Windsor's are to be governed by or as an army, or that the governor be impowered to lay any tax by himfelf and council; fince your majeffy, having discharged will be very hard to have any imposition laid on us, but by our own confents; for their lordships well know that no derived power is greater than the primitive. However, if your most gracious majesty shall not think fit majesty to do us the grace to believe, that we are so sensible of our duty and allegiance, that our submission to, and comportment under, your majesty's authority, shall be such as, that, we hope, you, in your due time, will be graciously pleased to restore unto us our antient form of government, under which it hath pleased God hitherto to prosper us: Ending ever to forget. And whereas their lordships are pleafed to offer their arrival, who brought over your majefty's royal donative, and order to fettle the civil government: We hope their lordships intend not that we your subjects of your kingdom of England, as we undoubtedly are, it to alter this model, but that we are to be governed by the governor and council, according to their lordships advice, yet we humbly befeech your fettled upon the general liking of the model first conflituted, and in belief act, as we believe, either provoked your majeffy or forfeited our rights, or ever defiring or attempting to leften or queftion your majeffy's prerogative, the prefervation whereof we ever effecmed the best means of preyourfelf and council, by an act of parliament, of any fuch power over any with our hearty prayers for your majesty's pardon of all our errors and mistakes, and a gracious interpretation of this our answer, protesting, from the bottom of our hearts, that we are and resolve to live and die your majefty's true, loyal, and obedient, subjects. BECIMA SEPTIMA PARS PATENTIUM DE ANNO REGNI REGIS CAROLY

PROCLE A MACON

FOR THE ENCOURAGING OF PLANTERS IN

HIS MAJESTY'S ISLAND OF JAMAICA,

IN THE WEST-INDIES.

when they intend to bee on the place; and, in cafe they doe not goe thither, within fix months, then next enfuing, the faid allotment shall be forments that bee made and contirmed, under the publique feale of the faid WEE, being fully fatisfied that our island of Jamaica, being a pleafant and most fertile foyle, and feituate most commodiously for trade and commerce, is likely, through God's bleffing, to bee a greate benefitt and advantage to this, and other our kingdomes and dominions, have thought fitt, for encouraging of our fubjects, as well fuch as are already upon the faid island, as all others that shall transport themselves thither, be given, in writing, fubfcribed by fuch planter or planters, or fome of them, in behalfe of the reft, to the governor, or fuch officer as hee shall void, and free to be assigned, to any other planter; and that every perfon and persons, to whom such assignment shall bee made, shall hold and enjoy the said lands, soe to be assigned, and all houses, edifices, buildings, and inclosures, thereupon to be built or made, to them and to their heirs for ever, by and under fuch tenures, as is ufual in other plantations fubiect to us. Nevertheleffe, they are to be obliged to ferve in armes, upon any infurreceon, mutiny, or forraine it wition, and that the faid affignments and aland allotted to every fuch perfon, male or female, being twelve years refide upon the faid island, and that the same shall bee assigned and sett appoint in that behalfe, fignifying their refolutions to plant there, and and refide and plant there, to declare and publish, and wee do hereby declare and publish, that thirtie acres of improveable lands shall be granted enfuing thalk out by the governor and councelt, within fix weeks next after notice shall or upwards, who now refides or within two years next

use; and wee doe further publish and declare, that all children of any of our naturall borne subjects of England, to bee borne in Jamaica, shall, from their respective births, bee reputed to bee, and shall bee, free deisland, with power to create any mannor or mannors, and with such convenient and suitable priviledges and imunities as the grantee shall reasonand others, upon the faid illand, to yield obedience to the lawfull com-mands of our right trufty and well-beloved Thomas lord Windfor, now our governor of our faid illand, and to every other governor thereof, for the tyme being, under paine of our difpleafure, and fuch penalties as may be inflicted thereupon. Given at our courte at Whitehall, the four-teenth day of December. ably defire and require; and a draught of fuch affigument shall bee prepared by our learned councell in the lawe, and delivered to the governor to that purpose; and that all fishings and pischaries, and all copper, lead, fuch respective allottments, shall bee enjoyed by the grantees thereof, referving onely a twentieth part of the product of the faid mines to our and their famylies, and any their goods (except onley coyne and bullion), from any our dominions and territories, to the faid island of Jatinn, irons, coales, and all other mines (except gold and filver) within purposes, as our free borne subjects of England, and that all free per-sons shall have the libertie, without interruption, to transport themselves, maica; and wee doe ftrictly charge and command all planters, foldiers, nizens of England, and shall have the same priviledges, to all intents and

p. ipem. Regent.

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AN ADDRESS OF THE COUNCIL OF JAMAICA TO THE KING.

confent of the affembly here, there will probably as great cause arise to alter as there was at first to make them. And, with due submission, we judge it even impossible to adapt laws to the present constitution, so as not that if your majeffy graciously please to take it into your princely confideration, and either restore to us the former power and way or method of encies attending the prefent form in transmitting our laws home. The vast distance of place will of necessity cause a great expense of time between the first framing of our laws here and transmitting and returning of L of Jamaica unto that of your kingdom of Ireland, which your majefty, the best and greatest of kings, hath graciously commanded us to submit to and own, we your majesty's truly loyal and dutiful subjects, declare our entire obedience and hearty conformity thereunto, because to admit of often and great alterations; for, according to our experience hitherto, we have found urgent occasions to alter and amend the laws that more immediately concern us here, at the least every two years, and we cannot forefee but we shall be under the same necessity still; so making laws, or at leaft remit that part of the prefent method of making laws, which only concern us here, as they may pass without transmitting the same, we hope, by our perfect submission and entire obedience to all your laws here, your majefty will be a glorious prince and your fubjects here an happy people. And whereas the gentlemen of the affembly, in their address to your majesty, read here in council the 15th of November, 1679, do declare, as to the bill of revenue, wherein your majesty's name was left out, that there are feveral members of their affembly now fitting who were members when that bill paffed three times in form in the fembly, and, upon the best recollection of their memories, they are THE alteration of the form of government in this your majefty's island fittest for your fubjects in this island, yet with all due fubmission, in all hitherto have and yet do, by a willing readinefs, and ready willingnefs, your majeffy commands. And although your majeffy's great perspicuity and truly royal prudence is best able to determine what government is humility, we beg leave to reprefent to your majefty the great inconvenithem hither again; fo that, before they can be paffed into daws by

we were fo far from confenting that the faid bill should pass without your fully perfunded and do believe that the bill was again fent down with that We, the gentlemen of your majefty's council here prefent at the paffing of the bill, do most humbly, with all submission, aver and declare, that no mention made of this. The gentlemen of the affembly do produce nothing out of their journals to justify their reflection on us, therefore it is to be prefumed they cannot; and we do therefore humbly and unanimously declare, we never did at any time; either jointly or feverally, make any majeffy's name in it, that we do not remember that it was ever debated than that it was read three times, and passed the commons board with your majesty's name in it: and are the rather induced to this our confidence complaint to the affembly, or any of them, of the power given by your majeffy unto his excellency our prefent governor to fufpend any of your ence and fubmiffion to your majerty's royal will and pleafure concerning us, fo we hope we shall still approve ourselves such, and, as in duty bound, ever pray for your majesty's long life, and that you may prosperor mentioned in council, further, to the best of our respective knowledges, because we find the original act was erased by the then speaker's own hand; moreover, the feveral amendments of the faid bill, that were made in were all taken notice of in the minutesof our council book, and majefty's council; therefore, as we have hitherto yielded all due obediamendment from the governor and council according as the act paffed.oully and triumphantly reign over us. council,

of who were prefent at the passing the bill of revenue. Colonel Thomas Ballard, colonel John Cope, colonel Robert Byndloss, colonel Thomas Freeman, colonel William Joy, colonel Thomas Fuller, John White, esquires; and consented to by the whole council, excepting licutenants This was unanimoully agreed to in council by the respective members therecolonel Samuel Long.

- Ca

AN ABSTRACT

OF THE

GOVERNMENT OF JAMAICA SINCE HIS MAJESTY'S RESTORATION,

GIVEN IN BY

THOMAS LYNCH TO THE KING IN COUNCIL.

Jay

IN 1661 colonel Delahoide had a commission to govern, and, having dishanded the army, to erect a civil government, and to act by advice of a council confishing of about twelve chosen by the country, in the nature of their reprefentatives; which government lafted about eight

of England, to which the government was affimilated. His council was of dren of denization and freedom as natives of England. He likewife was My lord Windfor fucceeding, in 1662, he carried over a proclamation to give thirty acres to all fettlers, and a promife to them and their chilimpowered to call affemblies, and to make laws not repugnant to those his own election.

twenty months; he governs as his deputy, called the first assembly that made a body of laws and an act for raising of money, which was disposed of to the public use of the island, and received by a collector of their own, and never accounted for here. He had, as my lord Windsor, a council of about twelve chosen by himself, and governed about twelve Sir Charles Lyttleton succeeded my lord Windfor, who stayed about

until fir Thomas Modyford, in May, 1664, came with commiffion and infructions to erect a judicature and call affemblies to make laws that were to be of force two years, and no longer, unlefs the king approved He left the council, and fir Thomas Lynch as prefident, to govern

fidering them as rather made by themielves than received from his fucceffors, council; for that governor had much more power than his fucceffors, and, being well supported here and the colony young and poor, nobody: called an affembly that re-enacted and enlarged his laws, and raifed a revenue by an impost on strong liquors, that was called the king's for the public use of the island, mentioned in the act. They were sent home, but not being returned approved, he, by order of his council, continued them to the end of his government; which people readily enough obeyed, confidering them as rather made by themfelves than received from his them, after the manner of the Windward islands; to assimilate the laws to those here, and not take away any body's liberty or freehold, but by fuch or the like laws. He had a council like fir Charles Lyttleton, and questioned any thing.

nue to the king, indefinite, for the island's use, mentioned by the act, and received by collectors which he nominated, and that the council In 1671, fir Thomas Lynch came with the fame commission and title of commander-in-chief, and instructions to the same purpose, and to encourage the colony. Soon after his arrival he called an assembly, that altered and enlarged fir Thomas Modyford's laws, passed the act of revefor two years, and all the officers to account to the governor or council; that the affembly or any particular perfons might fee the money was employed to needful and public ufes. approved of. Two years after, these laws not being confirmed, they were again re-enacted by the assembly, and then the revenue was made

In March, 1675, my lord Vaughan arrived: his commission named his council, and directed he should call assemblies according to the cuftom of the island, which should be deemed the people's representatives, and were to make laws as the former governors to preferve property, and to give encouragement to planting. He called an affembly that paffed all the former laws which were fent for England to be confirmed, except the act of revenue; and, not being returned at the two years end, called another, which re-enacted the fame laws, but the act revenue my lord rejected; and fo my lord and the illand were a year without revenue. About two years ago, the earl of Carlifle was fent governor with my lord Vaughan's first laws, and an act for a perpetual revenue, as they were modelled here; which, as I have heard the council there was not

grace and feveral commissions, and practifed for so many years, yet that they will dutifully obey whatever his majesty orders; they feem to have these following reasons, as I. gather by what some have writ from thence. convenient, that they rejected them, and made an addrefs to my lord Earlille to intercede with his majefty for a change of those orders; which is hear my lords of his majefty's council have answered, and on their report feems contrary to the methods of government established by his majefly's after his probation to be returned to be passed by a general assembly. his majeffy has again ordered the fame laws, and an act of revenue, to be returned and offered them; and, as I hear in discourse, they say, they can never give their consents to acts they have not deliberated, which called but by order from hence, or an extraordinary emergency, nor they never to deliberate on new laws or amendments, but fuch to be framed by the council there, and thence remitted to his majefty; and

1ft.—That, being English, they have a right to be governed as fuch, and to have their liberty and property secured by the laws of England, or others of their own making.

that proclamation my lord Windfor carried over, the king is gracioully pleafed to grant freedom and denizen as encou--They believe in ragement to transport. 3d.—His majefty has been pleafed, by his feveral commiffions to his governors, to declare it; which commissions are recorded for the people's satisfaction and encouragement; and they have for sixteen or eighteen years been governed by laws of England. 4th. -All other colonies have and ever had affemblies, and their laws take original from them.

ecaufe of the vait diffance and of the frequent changes of planters intereffs. 5th.-They conceive the Irish way of making laws will be too tedious,

6th.-They fay that way was defired by the English to support them gainst the Irish, but that they are all English, and the conquerors as exell as the planters of the fertile inland, and that they pay here aboves fixth of what they produce there.

7th.—That they fear a noise of any such change of government may make many desert the island, and the merchants here sorbear trading.

8th.—If the king's commiffions have appointed them there, and if they have been conflituted in the colonies from their first fettlement fixty hope that they alone of all the colonies shall not be retrenched any the privileges natural to fuch assemblies; but that, if particular persons have years ago as a goverement most just and like this of England, then they offended and caufed this change, they fuffer, and not the colony.

9th.—They hope his majefty will be pleafed to confider that his interest, and that of trade, is bound up with that of theirs; for it is the planters must defend and improve the colonies, and their agreeable laws will best make them do it. Further confiderations on the present state of the government: It is probable the assembly will reject the laws thus offered them. It is certain there is an absolute necessity for a revenue, for the public charges are great, and the doubts many. It is possible the council may join with think belongs particularly to the affembly, and if they cannot, it would not be without process, and I doubt the judges, &c. would quit, and juries constantly give it against the officers. It would be the same or worse if any order went hence to that purpose, and give strange umbrages to the rest of the colonies, that are under too many discouragements already, by the cheapness of their commodities, the growth and trade of the French power, and the plantations feem more needful now than formerly. All which I humbly fubmit. my lord to order the laws for the government to be continued, but I verily believe they will not continue the revenue-bill; for that they

THE PETITION OF SAMUEL LONG, ESC.

AGAINST THE EARL OF CARLISLE,

THE KING IN COUNCIL 01

WITH THE EARL'S ANSWER THERETO.

Humbly Sheweth,

wifdom may feem fit; and your petitioner, as in duty bound, shall ever but evil, and it may be his total ruin, unlefs your majefty gracioufly be pleafed to commiferate your poor petitioner; wherefore he most humbly casts himself at your majesty's feet, hoping you will not suffer him to be spoiled of his credit or estate, but provide such remedy as to your great the faid earl or any minister under him your petitioner can expect nothing YHAT the earl of Carlifle, without any just cause, imprisoned afpertion of treason, as he pretended: by reason whereof your petitioner hath not only suffered in his reputation, but hath spent a considerable part of his estate, and may be ruined by being forced from his interest: and one that had been and might be very ufeful to his country; and whereas your petitioner hath been already denied a habeas corpus by the faid earl, as chancellor, and by the chief justice of Jamaica; so that from and whereas the faid earl both refused to make your petitioner any fatis-faction, or to wave his privilege, although before your majesty's privy council, after your petitioner had answered his charge there given, he contessed your petitioner was an honest man in his dealings, a just judge, A true copy.

THE EARL OF CARLISLE'S ANSWER TO LONG'S PETITION.

YOUR majefty and council did think fit to direct a new model for the Eber er fettlement of the laws and government of the island of Jamaica, with instructions to me to put the same in execution at my arrival

employments in the island, particularly lieutenant-colonel Long, whom I found chief-justice, also of the council; but, instead of his compliance, posite to those your majesty's directions, but continued violently to perfevere therein, and by all the artifices and instigations he could use did the character, which he fays in his petition I gave him, did not respect him as a public but as a private man; for he proved himself a great infirument to render that settlement inessectual, which your majesty in fome time hope to reclaim him by fair means, but, perceiving his temper very little wrought upon by fuch kind methods, and moreover observing, upon the perusal of the bill in my lord Vaughan's time, that your majes-Thomas Modyford being governor, he did perfuade and endeavour as much as lay in his power to have his majetty's name left out of a bill which was then paffed; for which he was laid by the heels. All which, pirate, for whose execution the marshal had a legal warrant: But the afformed, did much efpouse his manner of proceeding; that pursuant to a vote of theirs one lieutenant-colonel Beesson, who was their speaker, hich was done in fo diforderly a manner that the governor thought fit to diffolve the affembly. Those just complaints against him gave me the whole did believe those matters very punishable in England, with your majesty's gracious power to remit them; whereupon, I divested him of all public employments, and thought it was advifeable to appeal to your majefty's council to do therein as you shall see fit, and took recogthere, for the effecting thereof: I did confult those that were in the chiefeft and there being an interline in the bill, and owned by licutenant-colonel Long to be written with his own hand, but would not confefs who rafed out your majefty's name; this inclined me to believe it was himfelf, and the rather because, when he was clerk of the assembly in the time of sir which I had reafon to expect, he did not only declare himfelf very opperfuade and encourage others to his opinion, notwithstanding his promife to me of contrary behaviour; and therefore he may be well affured ty's name had been rafed out, and the bill afterwards interlined, which the council unanimoully declared was fairly inferted when it paffed them, together with his practices when he was chief-juffice, particularly in granting a writ of habeus corpus on behalf of one Brown a condemned obedience to their writ, reason to observe his ill carriage and temper the more cautiously, and upon nizance of the faid Long to appear before you, which renders the comembly, by the faid lieutenant-colonel Long's infligations, as I was council had directed, and preffed upon me by repeated orders. figned a reprieve for Brown, and commanded

away, that the committee of plantations had refolved to report to your majefty in council that I, might be directed to fend him home, to aniwer plaint in the petition of being denied a writ of habeas corpus very unreafonable, because, by his entrance into recognizance to appear, he wa not majefly's particular orders therein, but diffance of place and the conjuncture of affairs at that time would not admit of fuch delays, especially fince I could not but think the peace of the ifland to be in great danger would willingly have delayed this proceeding until I had obtained your All which confiderations, being feconded what was laid to his charge, will I hope prevail with your majefly to ap-However I by a letter I received from Mr. Blaithwaite near my continued in cultody, and therefore needed no fuch writ. prove of my proceedings in this matter. if I had left him behind me.

with fome of the council about it, who told me they thought him a fit object of mercy, I did thereupon grant him a pardon, and told him he would do well to give fifty pounds towards building the church at Port-Royal, which was then in hand, but was delayed for want of money to is only circumifantially alledged, I fay, in answer thereunto, that I took no money directly nor indirectly for granting the same; but, having been moved on behalf of the said Hewit, and having thereupon advited carry it on; and the faid fifty pounds was paid to captain Beckford one of As to the objection of taking money of one Hewit for a pardon, which the deponents, and not to me or any fervant of mine, and afterwards paid pounds had been paid in lieu of fifty pounds fubscribed by me towards the building of the faid church, I wholly deny it, and fay, I always intended and full do to pay the fifty pounds I fubscribed, which never had any limited time, and will come as feafonably for the finishing of it as the the use aforesaid: and whereas it seems to be supposed that this fifty by Beckford to colonel Molefworth, churchwarden of the faidparish, other did for building the walls.

A COPT

A COPY OF LONG'S ARTICLES PRESENTED TO HIS MAJESTY IN COUNCIL,

[ANUARY 18, 1681.

-To prove the earl of Carlifle imposed a test; fee the oath Samuel Long, colonel Beeston, Mr. Bathurst.

2nd .- To prove judges turned out-none have fworn, but the witnesfies can if denied, and prove the naval officer turned out for doing his duty. To prove the carl upheld officers in action of fees; fee the oath of Beefton, also captain Willon's papers. -To prove the earl of Carlifle preffed the council to coin or flamp money; fee captain Knapman's oath, alfo Samuel Nath's.

couragement to privateers, alfo captain Wilfon's papers, alfo Beefton's oath. 5th. -To prove taking of seizures; see the oath of Long concerning en6th.—To prove the earl knew of pirates goods, and caused them to enter; see Eastaugh's oath, the assembly's address, and a vote in their journal, Peter Beckford's oath, S. Nath's, Beckfon's, S. Long's, J. Ashurst's,

7th.—To prove the accefs to the earl and his deciding fome of their differences; fee S. Long's oath, Beefton's, S. Nath's. My lord in council owned his feeing two of their captains who came to him by his leave.

8th.—To prove the earl encouraged the privateers, afferting they did good and enriched the island; see S. Nath's oath, J. Bathurif's, Bection's.

To this article the earl hath not yet pretended any orders for imprisoning Samuel Long; whether he fent the address, or had orders to leave the illend, is known to his majefty; besides what is proved, the earl owned he had taken money for pardoning, in obedience to an order of The foregoing is prefented by me Samuel Long. council.

A true copy,

PHILIP LOYD.

THE EARL OF CARLISLE'S

ANSWER TO A CHARGE AGAINST HIM,

EXHIBITED TO

HIS MAJESTY IN COUNCIL, BY SAMUEL LONG.

ART. 1.— A S to my offering a teft, all I did therein was in regard of the difficulty made in the affembly of fubmitting to the afterwards of feveral who had been of the affembly, to declare by word of mouth, that they would fubmit and acquiesce to the faid form of government until his majefty's further pleafure should be known concerning the new model of government, directed by his majefty in council, and fent over by me; I therefore defired, first of the council in Jamaica, and

moved, viz. Long, Barry, and Back. Long for the fame reafons which induced me to bring him hither. Barry was a young man, not bred to the law, a stiff opposer of any compliance with the king's orders, and would never account for his quit-rents, and therefore unlikely to do his majesty right. Back made it his own request to be discharged. The judges put in were colonel Theodore Cary and major Needham: colonel Cary is a very honest gentleman, hath a good estate, was a judge in that illand feveral years, and colonel in the late king's army. Major Needham is a very honeft gentleman, hath a very prosperous plantation, and is of good Barry was a young man, not bred to the ART. 2.-To the fecond article I answer, that three judges were re-Cary parts and understanding. ART. 3.—To the third article I answer, that I utterly deny that I did ever uphold any officer in exacting unjustifiable sees, desiring whosoever complained that they would fue the officer, there being a penalty to be recovered, imposed by the act that regulates them. ART. 4.-To the fourth article I aniwer, there was no discourse of coining, only stamping some figures upon pieces of filver of the weight and value of pieces of eight, to país between traders, there being a great want of money; but this ended in difcourse and was never put in execution.

naval officer,-it was feized not long after my arrival upon the island, As to what is alledged concerning some cocoa seized by Wilson the and before there were complaints made to me of privateers; and what passed between Wilfon and me was to this effect, that notwithstanding his alledging the profit that would accrue to me by his feizure, I would not animate him to proceed to profecution upon that account, but neither would nor did hinder him from profecuting upon his own. As to what is alledged against me for displacing Wilson the naval officer for doing his duty, I deny it; for, though it was in my power to difplace when I would, yet till I found he was very unquiet with Mr. Martin the receiver of the cuftoms, who holds his place by accufed to me of prevaricating his oath upon a trial before the judges of the admiralty; and only for these three reasons I displaced him, and not for the causes alledged against me, nor was he removed until a considermuch prejudiced and delayed, I did not remove him; moreover he was patent from the king, fo that thereby his majeffy's fervice was very able time after he had feized the cocca before mentioned. -Concerning encouragement to privateers. - First, taking off feizures of privateers goods, to which I answer, and deny that I ever discharged any seizures for such goods. Next it is alledged against me, and that I allowed, declared, and ordered, the mafter to enter his cocoa did speak any thing there concerning entering of goods, I refer them to the entered, nor do I remember I was ever spoken to about entering of goods above twice or thrice; in one of which cafes I did, in compaffion to Dr. tioned by Long, where he faith that one Pindre, purfer of the Success Eastaugh, who was a planter, write a letter to the officer of the custom-house, because I was informed it was an honest case; but the officer took no notice thereof, but went to a trial at law for the forteiture and was caff, and pay cuftom, and called the purfer and other officers to acquaint them with my pleafure; the faid Pindre hath politively fworn in his affidavit, to which I answer, and deny that I did cause any such goods to be frigate, brought the mafter of boats or vessels to me at fir Henry Morgan's, that he did not at that time bring any mafter of a veffel to me, and if I king's officer of the cuffoms, to whom I neither fent any meffage or dias Eastaugh swears in his astidavit. And, in another case, viz. that menconcerning caufing privateers goods to be entered at the cultom-houfe, rections concerning that matter.

of my promife upon parole, I gave out particular orders to the officers of the island to make all diligent search for the faid Sharpe by name, and for his affidavit against me concerning Sharpe, I was willing to speak with him upon parole, that he should come and go safe, as I was at another was his duty to have fecured them and acquainted metherewith; for hewas at that time lieutenant-colonel of the regiment at Port-Royal, chief judge of the court held there, and justice of the peace. As to what he fays in them at that time was, left I might alarm feveral other more notorious, whom I had hopes to feize upon; but I was to far from giving them any whom I had hopes to feize upon; but I was them, and, when I was free indirectly knew of a defign to take Porto-Bello, but, if I had, would have done all I could to prevent it; and, if Beefton knew they were in those towns, and that the difcourfe of their defign was so public as he fays, it time with one Coxon, fuppofing it might contribute to his majeffy's fervice, by perfuading them to come in by fair means, or for the better difde la Vega about February and March, 1679, and that it were publicly faid they were going to take Porto-Bello, - I answer, that there were orders from time to time given out by me to all officers to feize and apprehend what privateers they could find, and I do affirm that I never directly or covering their defigns; and for Sharpe's men, the reason I did not apprehend As to what Beefton objects, that there were many privateers in St. Jago all other privateers they could find, and to apprehend them. Whereas the faid Beefton, in his affidavit, fays, that one Cooke came dition, telling me he had been twice undone, which made me believe he came to prefent himfelf to me as an object of charity, being accounted at that time an honeft poor man; but, as to what he faid of a barge feized in old cloaths, with whom I fpoke; -it is true I faw him in a very poor conby him and feveral other things, I knew nothing of it. As to what Ashurst says in his affidavit, that I was often advised that calls them; if he knew it to be fo, it was in his power to have feized upon the indigo was piratically taken, yet neverthelefs permited to be entered, there was never any proof made to me of the truth of fuch advices as he a third, being his if condemned.

privateering, I had prepared my orders to the captain of the Success As to the addrefs of the affembly, which was made to me to prevent bigate, the Hunter being then at fea, to make all possible dispatch fail to the Keys of Cuba, upon intelligence that a privateer had newly taken a Dutch ship there; which faid orders were ready before I heard any thing of the addrefs, but I told them, in aniwer to that, I would be the renewed my orders to all officers and others to feize privateers both at fea more speedy in dispatching the frigate to sea; which I did forthwith, and

earl's letter to Martin, because Martin was known to give trouble to every would give him a bribe, viz. twenty shillings per chest, as this deponent not the importer, nor the goods liable, unlefs feized; so it went against the king. The May following, Martin caused another action to be it, because the order particularly mentioned him, rode one hundred and forty miles to the earl or governor, to ask his advice what was best to be done. The earl advised him to enter presently. Eastaugh defired the man in anywife concerned with him in like kind. The earl did write to him accordingly; but Martin refused to admit the said Eastaugh to enter, nor would he take notice of the governor's letter, unless the said Eastaugh understood from others that paid it; and also give under his hand to try provides. Eaftaugh upon this refolves to take care of his indigo, and to dispose of it as soon as he could; but Martin, in the next February court, suce the said Eastaugh for the whole of the indigo in the king's name and in his own name. The court was of opinion that Eaffaugh was which he pretended Eastaugh promised to pay to Martin by a conditional promise; so the jury found for the desendant. forgive the three pence per pound for exportation, as the act of this counthe king. The May following, Martin caused another action to brought for the king against Eastaugh for non-payment of the customs, about fifty years, maketh oath that, in or about the month of October, in the year of our lord 1679, he bought of one Thomas Middleton and Thomas Martin, the king's collector and receiver-general, having obtained an order from the earl of Carlifle to fearch for and feize all the indigo he NATHANIEL EASTAUGH, of Cabarito in Jamaica, gentleman, aged could find that was not entered to pay cuffom; and the faid Eaffaugh, fearing that the perfons whom he had bought the indigo of had not entered another man thirteen chefts of indigo; about eight or ten days after,

This deposition was taken this 9th day of June, before me, Rohert Bynd-loss, elg. chief justice of this yland, Mr. Thomas Martin being then present.

A true con

PHILIP LOYD.

not bear the fame fo particularly in mind. The fubstance was, that his men, after his lofs of his ship, having possessed themselves of a Spanish barque loaden with cocoa without his knowledge, as he faid, they came accordingly he did, and fold his cocoa at Port-Royal, entering the fame at the cuftom-heufe; and, as I understood, imported it in floops that captain Cooke told the faid deponent the whole ftory of his belonging to the island from a near place to Port-Royal, and there burns THE deposition of Jonathan Aflurst, aged thirty-four years or there. Jofing his ship, and taking a Spanish barque loaden with cocoa; but the to him and profered him a share if he would carry them up to Jamaica; faid deponent, not thinking he should ever be called to testify the same, did the barque, that it should never witness against him. The faid deponent understood that feveral parcels of Spanish indigo was particularly taken, the indigo was permitted to be entered at the cuftom-houfe; upon which encouragement feveral hundred chefts of indigowere brought into Port-Royal. The faid deponent being at the houfe of the the indigo from the Spaniards, and that indigo which was then entered fanded in remote places of the island, fome of which the king's receiver, The lord Carlifle being afterwards advifed it was faid Thomas Martin when one was entering and paying money for cufforn of indigo, and with him came a man that told the whole flory of taking had belonged to him, and that he was at the taking of the indigo. Mr. Martin, did feize.

The faid deponent faith he faw a man committed to prifon for burglary; the deponent that the prisoner was fent for to the lord Carlille from prison, and some months after, seeing the same man at liberty, the deponent asked the juffice that committed him how the man was cleared; who told and, after fome months working at the lord Carlifle's house, he was fet

A true copy,

PHILIP LOYD.

of government, as it is now established by his majesty's commission to the earl of vernor, offered a test to this effect: Do you fubmi and consent to the frame SAMUEL LONG, of Jamaica, aged forty-two years or thereabouts, maketh oath that, in Jamaica, at the time of a fellion of an affembly, he, of the members of the council, was by the earl of Carlifle, goas one

premacy, and suppose nothing more can be imposed on me, unless a tell were facility made; but, if my consent and disent signified any thing, I then declared I would at all times and places convenient petition against the new and for the antient form of government, and also argue and give reasons to the purpose. Upon which answer, I was by the earl commanded to with-Carline? to which the faid deponent refused to this effect: I have with ever will submit to authority, and have taken the oaths of allegiance and sudraw, and was excluded from fitting as a councillor.

gate, at the earl of Carlifle's, in his prefence, discoursing of the rights of his patent, affirmed he might take higher sees than the act of the country allowed him; to which this deponent replied he would come under the The faid deponent remembereth that the furreyor-general, Mr. Felpenalties of the act if he did, and if he flood a trial on that point, doubtthat, if any would contest with him. And further, the deponent doth remember that in Jamaica there was a general murmuring and complaint against the faid surveyor-general and the king's receiver, but this deponent doth not remember the particulars, or that the faid earl ever examined or The furveyor replied and faid, he would venture regulated any of the fees. lefs he would be caft.

The faid earl, foon after his communicating to the council his majefpreffed the council to join in making an order to framp pieces of eight, adviced that amongst the French privateers there were divers pigs of silver and some already brought to Jamaica; to which the council, and particularly this deponent, replied that they neither durft nor would advife him to break his majefty's inftructions so lately received on that point; to which the said earl replied, what hazard do you run, I will bear all the blame? to which this deponent replied, that could not be unless he having, as he affirmed, treated with a goldfmith of the terms, and being did it without the confent or advice of the council; for, should it be done and ill taken in England, they doubted that, as other generals had laid their fault on the council or affembly, so he to ease himself would lay it on council would not be brought to confent; at which the faid earl shewed a the council. Many other arguments were used on both great deal of discontent.

This deponent was once with the faid earl at fir Henry Morgan's at

Port-Royal, where one Pindre, purfer to one of his majefly's frigates, came to the earl and acquainted him that he with the king's boat, as I remember, had feized a boat or veffel with fome cocoa and brought the mafter, whom he prefented to the earl of Carlifle; who called the called to the purfer and other officers to acquaint them with his pleafure; at which the purfer, who came as if he had done fome great matter, went -mafter to him, and carried him into a little closet; and, after a very short the earl came out again with the mafter, and aloud declared that he ordered the mafter to enter his cocoa and pay cuffom, away as feemingly abathed as the mafter pleafed.

them, alledging they had relinquished their right; this difference the earl heard and I believe decided, but what was his direction I do not others, when there came to the faid earl about twenty perfons, with whom and I believed they belonged to one Bartholomew Sharpe's crew; that, fome-where about Jamaica as I think, one of the frigates coming near their veffel, fome that now complained run a-shore or away for fear, declaring they had rather lofe their purchase than their lives; but, finding other ufage, they now claimed their share, which the others refufed to give the faid earl went into the next room, leaving fomebody to play his cards. I overheard so much of their business, the door being open, as I underflood they were privateers that had brought in indigo or other plunder, privateers, who were very loud; but they went away feemingly pacified know, in regard I ftill played and could not hear so well the earl as the know how and have hampered as mad fellows as any of you; but if you will I have feen one captain Prince, who is faid to be a proclaimed pirate, with others faid to be privateers, leading each his woman by the faid earl as he fat in his coach and contented. I overheard, as I remember, an expression from the carl viewing affairs; many of the council and affembly franding by the faid I perceived he both to this purpose, when the dispute was hottest: - If you will be unruly, This deponent was once at cards with the faid earl, his countefs, earl, making fome comment on them as they paffed. be orderly and governed you shall be used like men. faw and knew who they were.

times to other councillors, in my prefence, endeavoured to convince us of our error, as he called it, in affirming the privateers injured Jamaica This deponent further faith, that the faid earl feveral times, and at fome times in the prefence of four or five of the council, and at fomeby bringing flolen goods, thereby depressing the planters goods, hindering the Spanish trade, weakening the island by taking off many of the best men's minds from planting; the faid earl on the contrary affirming, that riches of the island, and merchants by good bargains encouraged the men whatever the privateers brought to the island was so much added to the kept, who, if feverity were ufed, would go to the French.

defired, and informed that many or most of the privateers were about the island; and if they were stopped and such security as by law I thought might be taken for them and their vessels, it would be a great step to their This deponent further faith, that when the affembly had addreffed the earl against privateers, he particularly defired his excellency to do as they fuppression.

carl not to bring him per force, having no orders from his majefty, but also told him he was certain he should do him no kindness; for that if he would give fuch account as by that time each governor had taken his due part of that laid to the people's charge, this deponent would undertake to bear the rest without reproach, or to that effect. This deponent further faith, that he hath not only petitioned the faid were examined he must tell truth; and if ever he had opportunity he

cency as to what is laid to his charge about rafing the king's name, as be difproved he would fubmit to be punished as if perjured in a court of This deponent further faith, that he proposed to fwear to his own innoalso that in no public capacity whatever he had not done any unjust, clandestine, or evil, thing willingly or knowingly; and that if he should reward; or if the faid earl would offer any proof he would undertake by better to difprove it; and also told the faid earl, that he himself nor those. that told him could not believe it themfelves.

Jamaica without his majefty's orders, which he heard not, informing the faid earl that he heard it had like to have gone ill with my lord Vaughan. This deponent further faith, that he advised the faid earl not to leave for want of politive orders, had not his royal highneffes letter brought him

fome difcourse with Thomas Martin, the king's receiver, about the pirates. This deponent further faith, that in his own house in Jamaica he had

earl had fome fuch opinion of the faid Martin, ftill he was fo very earnest and the money gained by cuftom of ill gotten goods, this deponent telling the faid Martin he feared the island would be prejudiced by it; and it may be those he thought he most ferved by giving such encourage. ment to privateers: to which the faid Martin replied, I do so order it that none but freeholders and inhabitants enter with me, and I'll warrant none shall come to any damage; I'll order it that my books shall clear them, or to such effect. And this deponent verily believes that the faid to bring him for England; whereas, I conceive, had he come and fworn truth, it would have tended to his lordthip's difadvantage in that particular.

Spanish embassadors by the mark should cause seizures in England; on which the said earl, speaking to his counters, said, Wise, do you hear this? yours, I believe, is gone in the same chests: Also the said Martin declared he had bought several chests of indigo for the counters, and the earl declared he had or would lay out three hundred pounds, or some fuch sum, in the said Spanish indigo. The said deponent surther faith, that one John Butlin, clerk of the court and peace in Clarendon, was turned out, and one Harvey put in his place; and the reafon given by The deponent further faith, that, being once at the earl of Carlifle's, a discourse was moved about the manner of shipping some of the Spanish indigo, and it would not be safe to ship it in the same vessel, lest the the faid earl was, that he had promifed the faid Harvey's mother, as this deponent remembereth, in England to be kind to him; and when it was tried, Butlin was a diligent, good, careful, officer, and that was a loofe idle fellow: The earl replied to this deponent, he believed by fome ill thing or other the faid Harvey would forfeit his place, and then Butlin should be restored; for then the faid carl should have discharged his promise to the faid Harvey or his friends, or to such effect.

fometimes as councillor, fometimes as ordinary, he hath heard him in this deponent's opinion give very firange reasons for his judgments: The one is rich, the other very poor, or this was represented to me or others This deponent further faith, as he was used to fit with the faid earl as much incompetent; and when his jurifdiction hath been demurred, He would not determine it, but cause by his authority both parties to leave it to him as an umpire. This deponent hath heard the faid earl declare he believed he might, if his majefty lived, be governor of Jamaica as long as he lived.

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himfelf told me, to renew an obligation by which the faid Byndlofs was indebted to the faid Brayne in others right in about five hundred pounds, than be frighted out of that which he must afterwards make good out of court informed me that torty-feven pounds, or thereabouts, was added to being told that all the process dated before my fuccessor's commission must In favour alfo of the faid Byndlofs, the faid carl commanded one captain Brayne, as Brayne to the end the faid Byndlofs might give a new obligation, and to fave fome years interest, amounting to a confiderable fum, and threatened to lay the faid Brayne in prison if he did not. Brayne asked my advice, I being his fecurity to his principals, advised him rather to go to prison This deponent, as he was chief-justice, had a see of one filling and and Byndlofs's, my fucceffor, inferted; by which means the clerk of the ous, my writ of eafe bearing date but two days before the return of those process; yet he, as I was informed, ordered my name to be fruck out, his fucceffor was commiffioned, the faid earl, as he was credibly informed, be figned and bear teft in my name, and that otherwife it would be erronethree-pence from every process islued out of the grand-court; but, the profit of the faid Byndlofs and taken from me.

This deponent remembereth, that one John Hewit told him he had gotten a pardon from the faid earl, for having two wives, which cost him about a hundred or a hundred and fix pounds, fifty whereof he faid never vexed him, because the earl put it to a good use, but the other one Mr. Ellis had, which vexed him, or to that effect.

This deponent remembereth one Pochin, one Cole, and one Camp, all condemned for murder, and others for manilaughter, all which as this deponent is credibly informed are kept alive for money to the earl or fome of his family; but this deponent knoweth it not to be truth in his own

veilels taken per Sawkins, Coxon, and others, in the south Seas; which, This deponent hath fome letters which he received from Jamaica, ready to be produced, one whereof mentions in a fhort time five hundred Coxon, Sawkins, Cooke, Sharpe, Primier, and others, as this deponent is men were gone off the illand; the others give an account of twenty-four And this deponent verily believeth, by what ue nath neard and feen, if the credibly informed, have all been in the faid earl's prefence and power.

might have catched most of the chief pirates and privateers in their houses. And further at this time the deponent faith not, the substance faid earl and fir Henry Morgan had at feveral times flut their doors they and the very words of the foregoing particulars I fwear to be the truth.

Sworn before me 7th January, 1680.

SAMUEL LONG.

I MICHE LOYD.

(A true copy. 1

alto others, affirming and menacing that the goods brought in by privaters was for the good and profit of the ifland, though I myfelf with feveral others told him feveral times it would prove the ruin of the illand, prove the ruin of the poor planters, and that if they should not fend returns These two last letters refer not to any part of the charge. Upon their complaint, your deponent did move the assembly with others that a petiprivateers, both by his words and actions; first by difcourse with me as ufe of, it proves there was always a trade in Jamaica for the merchants to buy and fell Spanish indigo, being brought in lawful velicls. That, at the time of the fitting of the last affembly, there came to your majesty's deponent, being a member thereof, feveral persons of Withywood who were planters of indigo, making great and grievous complaint that they had been at Port-Royal, the place of the disposal of their goods, and great quantity, and that they bought it at very low prices, and would not give them more, by reafon they were obliged to fend home their employers returns to their greatest advantage; and said also that they would with there was no goods brought in by privateers, knowing that at last it would home, though bought of privateers, at low rates, others would buy them, and they in confequence should lofe their employment, favour, and business. tion might be drawn up to the earl of Carlifle for suppressing privateers, per labour being brought to fo low a price that it would ruin them, their tom thereby accruing. This part of the affidavit I thought not fit to make them that the reasons ther of were that the pirates had brought in a very The deposition of John Bathurff, aged thirty-eight years or thereabouts, depoteth as follows: That the faid earl of Carlifle hath been an encourager by the destruction of the trade, the poor planters, the goods produced wives, and children, and confequently his majefty's illand, as also his cufand security of the peace to be taken for those that were in the illand recould find no buyers except at a very low rate; and the merchants

your fubjects preferved, and your ifland reftored to its former flourishing confequence effeemed worfe than Algiers, we profeffing Christianity, and puted privateers, that the peace of your allies might be inviolably kept, estate; and it might not be esteemed as a place protecting pirates, and by at the fame time robbing those that are at peace and amity with us. Your deponent hath further heard captain Primier and other privateers fay, that privateering now was better than ever, there being no tenths, nor charge of commission; affirming, though my lord Carlifle had one third part of the value of the indigo, they were well contented; and he was a person of that worth, and so kind to them, that they did not care if they gave him half; at the fame time curfing my lord Vaughan, for no other reasons than that he did what in him lay to supprefs privateering.

captain Smith was one of the affembly that entertained them; to which thate and governor not only to do juffice when complaint was made, but also to make inspection into any public injuries done to the violation of the peace between the king and his allies, and to take all ways and means plaint made; to which I replied, what was the petition of the affembly, which I told him was the complaint of the whole island, they being their representation: and withall told him that Coxon with feveral others of I further told him that colonel tain Sawkins, he laid he had been in his company where he lodged at caphe received fome prefents from him; unto which my lord replied that I answered that I knew none that gave them countenance but such as had lifle, fir Henry Morgan, fir Francis Watfon, and colonel Byndlofs, did acquaint them that he was forry no care was taken to supprefs privateering, which is only to the advantage of fome particular perfons, but detefted by all just and honest men. My lord then answered there had been no comthe chief of them kept company with those that should take care to re-Cope, one of the council, had lately been at the northfide, and at his return lodged at my houfe, where enquiring fomething of him of one capmight cafily have been taken; but I afking him why it was not done? he replied, that he thought he was a good honeft fellow; I was informed Your deponent, being another time in company with the earl of Carand that thefe things at home will be laid to the charge of the island, tain Benjamin Smith's, and about fifty of his men were there, which he faid received his commiffion, and I thought it was the duty of every drefs fuch enormities and violations,

to fuppress the same; but he persisted in the discourse that the complaints were nothing to him of general and not particulars, and that if the Spaniards came and made complaints against any person, and could prove they had robbed and defpoiled them of their goods, they should be proceeded against according to law; to which I replied, I thought that could not be done, and that by this means they could not be suppressed.

the lord Carlifle asked the faid deponent,—Will you obey the king and his governor, according to the new form and model of government which has now been fent over? To which I answered I would obey the king and his lawful commands. To the which he replied, then you intend to be judge ple, otherwise no man could be fase. And further your deponent faith Further, this deponent faith, that, at the diffolution of the affembly. thereof, and ordered my name to be placed at the left band; but I defired I might be the explainer of my own words, which were to this effect, that I fupposed the law was the medium between the king and the peo-

The mark of K JOHN BATHURST.

A true copy,

PHILIP LOYD.

Sworn to the truth of the contents hereof, before me, the 7th January, 1680-1:

PHILIP LOYD.

London, January 6th, 1680-1.

fixpence, befides two hundred and fifty pounds of powder; and in the year 1679 then demanded and received one pound and twelve thillings in-JOSEPH KNAPMAN, commander of the ship Loyal Merchant, wifing the trade of Jamaica, faith that he was in Jamaica in the year every year, made enquiry whether their fees had been raifed by any law of the country, or not, and, being informed that they were not, the faid Knapman forupled to pay the fees the naval officer demanded; but the 1678, and his whole port charges was but one pound feven shillings and teen shillings and fixpence; the faid Knapman, observing the sees to rise money, befides the powder, and this year, 1680, the faid Knapman be-Jamaica with the fame officers, they demanded one pound eigh-

of Carliffe's order, and pulled a paper out of his pocket, which he told me was my lord's order, by which he demanded the money at fight; on officer, named captain Hofkins, or fome fuch name, told the faid Knapman he feorned to demand more than his due, for which he had my lord which the faid Knapman fubmitted and paid the money.

A true copy,

PHILIP LOYD.

THE deposition of Samuel Nath, aged thirty years, late of Jamaica, merchant, viz. I this deponent aver, that demanding of Thomas Martin, efq. collector of his majeffy's cuftoms, why he made fuch a buille and fir to feize the Spanish indigo landed in the leeward part of the island? The faid Martin replied and faid, oh! it was not for importation, for they had the governor's leave, but for their endeavouring to fave the fixpence ten days after, this deponent being carneft to weigh off fome goods which lay upon the wharf where the faid Thomas Martin was receiving fundry parcels of indigo on thore, the faid Thomas Martin told this doper pound cuftom, which is very confiderable to the governor. first, part of the indigo being his.

Also this deponent faith, that at clearing the ship Judith, Robert Kingsland, master, he tendered Thomas Hodgkins, naval officer, the accustomed fees, which he refused to accept, and replied he had an establishment of fees under the governor's hand; made me pay, to my bett remembrance, about a third part more than fome years before I had ever known paid. Alfo this deponent, meeting one Coxon, an old noted privateer, afked him the meaning of his fudden britknefs; he anfwered he had great reafon to be fo, for the beft man in the island was now become his friend, and that he doubted not in a little time to go for more logwood, a national title for privateering, for it may be supposed he meant more

Southfide near Spanish-Lown, this deponent was pursued in a most barbanaged his arbitrary power, that after this deponent had landed fome negroes at the northfide of the island, out of an honeit English mer-The governor fo machant ship, vulgarly called an interloper, and conveying them to the This is not referred to any part of the charge.

tous and hoffile manner by feveral of the governor's own troopers, armed trived the prefervation of himfelf and negroes from fuch land forces; after which the governor not attaining his ends, this deponent was by his gainft fir Henry Morgan for a just debt, and of four years standing, he received abundance of hard words from the governor, and was ordered to to feize the faid negroes; which illegal proceedings this deponent being informed of, and to prevent the ill confequences that might happen, conwhen this deponent by his attorney brought his action at common law ainfruments threatened to have his commission taken from him: withdraw his action.

SAMUEL NASH.

A true copy,

PHILIP LOYD.

Sworn before me, to the truth of the contents hereof, 12th January, 1680.

PHILIP LOYD.

THE deposition of Peter Beckford, aged thirty-feven years or thereatout, that the faid deponent was in the island of Jamaica when the earl of Carlisle arrived there, and remained in the faid island until the faid ment, called two affemblies, and shewed them a body of laws fent from his facred majesty under the broad seal of England, which they rejected. earl departed thence; and that the faid earl, in the time of his governbut yet raifed an act of revenue, for the support of government, which faid earl paffed; and, after the diffolution of one of the affemblies. the faid earl did first ask the speaker if he would obey the king and his government as it was now eftablished by his majefty's commission to the earl of Carlifle; to which the speaker answered he would always obey the king; the form of government he did not understand, or to that effect. The fame question, or to that puppose, he asked several others, and fome he only afked, if they would obey the king, to which they made feveral answers; but all that were present said they would obey the king; that fuch as would not obey his majeffy under this form of government the faid earl further added, to the best of this deponent's remembrance, were not fit to bear an office either military or civil. This deponent further faith, he did fee a patent under the broad feat of England, granted to the parish of Port-Royal by fir Thomas Lynch. for a market there; and, to the best of this deponent's memory, to put a

to take no notice of, because they faid it was pirates goods. He this decouncil into their houfe, and took his chair, fetting the speaker by him, tom amounted to above two thousand pounds, to the best of this deponent's memory, which the said committee had orders from the assembly clerk, which the faid parish made some advantage of; which the faid the time of the abovefaid affembly fitting, this deponent was of the committee that were ordered to perufe the accounts of Thomas Martin, efg. receiver-general, to fee what money was then in the treafury, where was found entered in the receiver's books to much indigo and cocoa as the cufcarl granted away, as this deponent was informed, to the countefs. and would have had them debate things in his prefence.

thought the proper question was, whether his majesty would be pleased at Hewit for a pardon for having two wives, fifty paid to one Ellis a fervant to the carl, and fifty to major Molefworth, a churchwarden of the parith this deponent if he thought bringing in the indigo would not be an advantage to the island, or to that effect: This deponent answered that he The earl faid the Spaniard He this deponent knew of one hundred pounds paid by one John of Port-Royal, which fum this deponent was told the earl had fubscribed towards the building of the church at Port-Royal. The said earl asked had committed many depredations upon us. it or not (the Spaniards being our friends).

He this deponent, after the provost marshal had taken into his custody one lieutenant-colonel Samuel Long, per a warrant under the hand of the governor, went to the said earl and desired in behalf of the said Long a habeas corpus, as he the said earl was chancellor, which he refused; then this deponent went to the chief-justice and made the same demand, who likewife refused, saying the said Long was committed for treason. He this deponent, in the time of the lord Vaughan's government, went by the command of the faid lord aboard of one captain Rymer, and declared him a pirate. He this deponent was told by diversin Jamaica that one Pochin was condemned for murder and reprieved, and had his liberty And turther this deponent faith not. abroad.

PETER BECKFORD.

Sworn to the truth of the contents before me,

PHILIP LOYD.

Jamaica.

Jamaica, January 7th, 1680.

declared upon oath, that, being in company with Mr. Thomas Martin and captain Bartholomew Sharpe, about the middle of October laft, 1679, the faid Sharp being entering a parcel of Spanish indigo which he had taken from the Spanish shore, told Mr. Martin that they had left behind them where they took that, several hundred chests more, which they could not take in: Mr. Martin replied, that if they brought it all, or if they could go again and setch the remainder, they should come to no more damage than they did now; so that they paid the custom of it, or to that or thereabout, years CAPTAIN Nicholas Daniel, aged forty-fix effect; and further faith not.

NICHOLAS DANIEL.

Sworn at Port-Royal, Jamaica, by Captain Nicholas Daniel, this 18th day of June, 1680, coram,

A true copy,

WILLIAM BEESTON.

ABOUT five months fince, being with captain Rives and Mr. Martin at Yallow's Bay, in difcourfe, captain Rives afked Mr. Martin to tell him on what defign or where the privateers were gone; Mr. Martin told him he could not tell, but he fupposed like sools to be knocked on the head; fetched the reft of the indigo, which they might have done eafily and made a quick return, and this was the fubflance, but I cannot tell exactly but if they would have taken his counfel they should have gone to have the words of his difcourfe.

JOHN LYNE.

Twentieth May, 1680, John Lyne appeared before me, and voluntarily deposed to the truth of the above writing.

A true copy,

FRANCIS HANSON.

X

Man

May 6th, 1680.

of cocoa. Cooke had no commission. In the aforementioned sloop Frim-rose, at another time, was brought to the island two thousand pounds of toburn the barque, which was done, there being eighteen thousand pounds coa, and that he had given leave for it; and foon after this faid Wilfon was turned out, 1679, captain Edmund Cook and his company did purof Cuba; the faid barque was laden with cocoa and brought here and entered with Mr. Martin, but the faid Cook, as he declared, was ordered not lings per cheft, to allow their entering, and bought a great quantity of the hundred and ninety bags of cocoa, containing about twenty-three thou-fand pounds of cocoa, which parcel of cocoa captain Wilfon naval officer receiver, was upon the wharf with a great crowd to receive the cocoa, and commanded the mafter to deliver the cocoa, and told him he would fave with it, the governor was angry with him, and told him that fir Henry Morgan and Mr. Martin had acquainted him with the importation of the cofue a finall Spanish barque and killed fome of their men about the illund IN the floop Primrofe, John Griffin, mafter, from Mannatce-Bay, one nor, and gave an order to the marshal to fee that none was delivered until he came from the governor; but at the fame time Mr. Martin, the king's him harmlefs. But, when the faid Wilfon had acquainted the governor to bring the barque into the harbour, but to fend out floops for the cocoa, and d not fuffer the mafter to deliver until he had acquainted the gover-Thomas Martin demanded of all that entered indigo twenty shil Such proceedings as above might indigo for himfelf and others. cocoa.

A true copy.

PHILIP LOYD.

THE GOVERNMENT OF HIS EXCELLENCY THE BARL OF CARLISLE. ACCOUNT OF BOME AFFAIRS IN JAMAICA, BURING

fit to dissolve the assembly then sitting, fent for them, and, having past the revenue bill, told them he did dissolve them and they were dison the first of December, 1678, his excellency, thinking .back, and told them that he had fomething to fay; which was, that many things had been faid and done in that affembly, which did not feem to olved: On which they all offered to go away, but he called them all

tender

that it fet their hearts much against him, and did no good to the public the capacity they were then in, doing their king and country ferrie, tions; which management they took fo ill from a wife lord, confidering politively commanded it) give my confent to it. His lordship replied, I did know it; for I had feen his commission. Yes I had, but I had not fren his infructions, which were appendixes to his majetty's commifficn, and therefore I did not know it, and could give no other answer; so I was ordered to be put down on the left hand of the paper, as one not fit to be trufted to ferve his majeffy. Then his lordfhip proceeded to ask the reft, fome this question, and others only, we'll you obey the king? according as In this affembly and the other that followed, his lordfhip was pleafed very often, on feveral occafroms, to call them fools, affes, beggars, cowards, and many other appella-But, faid his lordthip, you will not obey him according to his new mod I. I answered, my lord, I do not know what it is, but, as far as I know it, I do not like it; therefore cannot voluntarily (fince his majefty has not more, my lord, I cannot fay. On this his excellency replied upon me, to confider of it before I give my answer. But his excellency faid I must do it presently, and so must we all. Then I said, my lord, I have ever been and will ever-continue a faithful subject and servant to his majesty. know no other way that the law appoints his majetty's fubjects to make time will do my utmost to observe my duty according to these stores; then you will not obey the king? Yes, my lord, faid 1, as long as I live. dender them fuch dufful fubjects that he might put his majeffy's truff into their hands, and therefore defired we would give fome further magin with you first: will you obey the king and his governor to the new any lord this is a thing to new and fo fudden to me, that I defire fome time I have taken the oaths of allegiance and fupremacy often times, and I a farther manifestation of their duty and obedience to their king, but by this; if there be any law requires more I will obey it, and in the man To which I replied, government which has been now fent over? he was pleafed to favour fome more than others.

patent in the name of churchwardens to the ufe or the parish for the cerk of the market place, which is worth about fifty pounds per anny n, and a growing profit. This his excellency took away by his own will it man In the government of fir Thomas Lynch, the parish of Port-Royal obfained from him, towards the defraying the great charge that pari his at,

the parish, though the patent was recorded, and gave the place, as was ever had it, it was taken from the parift; by which they not only loft fo much per annum. but it gives so great occasion for people to suspect that, if a governor can take away by his own will one patent, if he please may whofotake away another, and therefore no man's freehold in the whole island faid, to the countefs; though in that I cannot be positive; but,

That in July or August, 1679, one Jacobs, a Dutchman, brought into some part of this island, where he privately lay, a parcel of cocoa and some other things, taken as they were said from the Spaniards; which were brought into the harbour of Port-Royal in the island-boats, entered teers. These goods at their importation were seized on by captain Wil-fon the naval officer, but were soon discharged, and he in a short time in the cuffom-house, and were publicly landed and flored by the privaturned out of his place.

barque and goods he brought to a place called Yallah's, of Jamaica, and thence came in old cloaths himfelf to the governor, with whom having That, in the month of October, 1679, one Cooke, having with his bour; from whence the goods, which were cocoa, fkins, &c. were brought in the island-boats to Port-Royal, and landed and stored in the day-time, tempt fome of the Spaniards, as was credibly reported, were killed; which which atspoken, the faid Cooke and his men carried the faid barque into Old-Haras this informer knows; and the faid barque, as was credibly reported, burnt by advice in Old-Harbour, when the goods were taken out. company near the island of Cuba feized a Spanish barque, in

That, in November, 1679, Coxon, Sharpe, Seedall, and other of the privateers, brought four or five hundred chefts of indigo, which they robbed from the Spaniards out of a ftore-house in the gulph of Amatique, as was often told by themselves, many or most of these were brought by the island-boats into Port-Royal, there paid custom, and were treely enjoyed by the privateers. That, in February or March afterwards, the privateers being many of them in Port-Royal and At. Jago, though their thips were in other places, yet it was publicly faid, that they were going to Porto-Bello, which accordingly they did, without any notice taken of them or himThat, fince, they have, by the help of the Indians, gotten into the fourth feas; where, by report, they have killed many Spaniards and goven much

fions; for now it was only to land their goods and pay the cuftom, and the reft was free, whereas before there were charges for committion, tenths, That it was commonly faid by the privateers in Jamaica, that privateering was now much better and cheaper than when they had commifand lifteenths, and the condemnation in the admiralty.

came before him three men to complain that their captain, Bartholo new Sharpe, one of the privateer's captains, denied them their shares of the That this informer was prefent in the earl of Carlide's house, when there indigo. The captain replied they left the impand their mares near maica, fearing they should be apprehended for pirates; but, finding no fuch thing, they came to claim again what he thought they ought not to endeavoured to compose betwixt them, but whether he did it fully or not do, having relinquished it already. This difference my lord heard, and The captain replied they left the fhip and their shares near

That, at two feveral times, difcourfing with his excellency about the privateers what an injury and difcoutation it was to the country, and that it would have been more for his majefty's fervice and his lord him's have answered it to his majesty, and made some reparation to the maint owners, if ever they came to claim it, and have kept the rest to him est: be fent to England, and the value returned in goods for the ufe of the his lordfhip answered, in some anger, that he never proposed any good to the country but we were against it, and that these privateers goods should he coald own profit, if he had feized all the privateers goods; by which

WILLIAM BEESTON.

Sworn to the truth of the contents hereof, before me, the 7th January, 1680.

A true copy,

PHILIP LOYD.

A PATENT

A PATENT FROM KING CHARLES THE IL.

FOR THE

OFFICE OF SURVEYOR AND AUDITOR GENERAL

OF THE

REVENUES IN JAMAICA.

Charles the Second, by the grace of God, of England, Scotland, France, and Ireland, king, defender of the faith, &c. To all to whom these prefents shall come greeting:

ns to fettle our revenues ariting within and from our feveral foreign dominions, islands, colonies, and plantations, in America; and how much it with the collecting, levying, or receiving, of any of the fums of money growing or arifing, and due and payable, unto us, in and from any of our foreign dominions in America, which be belt effected and brought to pass by erecting an office for the inspection, examination, and audit, of all and and audit, of all and fingular accounts, of all and every fum and fums of particularly taking into our princely confideration how necessary it is for NOW ye, that we, out of our royal care of the good government fucceflors, of our faid revenues; and for the due and orderly taking, exaions, to whomist shall or may appertain or belong, to act or intermeddle in or and direction of our affairs in the remoter parts of the world, and mining, and flating, the accounts of all and every the collectors, receives, auditors, treafurers, fub-collectors, and other inferior officers, ministers, and perfingular accounts of all monies arifing and growing due and payable unto us, and accruing within our faid dominions and colonies; have, for the caufes and confiderations us hereunto especially moving, created, erected, and established, and by these presents, for us our heirs and successors, do would tend to the advantage of our fervice, and benefit of our fubjects, to make fome better provision for the due payment to us, our heirs and causes and reasons aforesaid, as all for divers other great and weighty create, erect, and establish, an office of general inspection, examination, money ariting and growing due and payable to us, and accruing,

William Blathwaite, by himfelf or his fufficient deputy or deputies, for and during the time, and fo long as he thall well behave himfelf in the of our exchequer in England, doth, or may belong or appertain, as to our accounts and revenues in England; and him the faid William Blathwaite, furveyor and auditor-general of all the rents, duties, revenues, prizes, fines, forfeitures, escheats, and profits, aforefaid, we do, for us, our heirs ercife, the faid office of furveyor and auditor general unto him the faid Jands, fince our refloration, and not before; and which shall at any time due or owing to us, our heirs and fucceffors, within or from our faid foreign dominions in America; and to do and perform all and every fuch other which to the office or place of our furveyor-general, or any our auditors and fucceffors, make, ordain, and conflitute, to have, hold, enjoy, and exfury, and chancellor of the exchequer for the time being, to determine caufe of war that was between us and the flates-general of the united Netherour heirs and fucceffors, during the continuance of this grant, in or from escheats, forfeitures, duties, and profits, as are now and shall be hereafter matter, caufe, or thing, in relation to the faid accounts and revenues, veyor and auditor-general of all our revenues arifing in America; and we rity, and confent, of the lord high treafurer, commissioners of our treaall and fingular accounts of all fuch rents, revenues, prizes, fines, escheats, any matter or thing happened or fallen fince the beginning of the first hereafter happen, fall, become, or be due, payable, or accruing, unto us, all or any of our faid foreign dominions, iflands, colonies, and plantations, in America; as alfo by all lawful ways and means to caufe to be recovered and paid to the proper officers, to our ufe, all fuch rents, revenues, fines, Blathwaite, efq. and for divers other good caufes and confiderations us and mere motion, have given and granted, and by thefe prefents do give do also give to him, the faid William Blathwaite, full power and authority to inspect, examine, state, and audit, and with the allowance, authothereunto especially moving, of our especial grace, certain knowledge, ties, and circumfrection, of our trufty and well beloved fubject William and the chief officer thereof shall be stilled and called the fureeyor anditor-general of all our revenues arifing in America: And know ye farther, that we, repofing efpecial trust and confidence in the faithfulness, abiliwhich fluil arife, grow, and become due, and payable, to us, and accrue in or from any of our foreign dominious, colonies, and plantations, in America; and grant, unto him the faid William Blathwaite, the faid office of forfeitures, duties, and profits, whatfoever, as are by reafon or

Blathwaite, diligently and faithfully to exercite the taid office and em-* from our faid dominions, colonies, and plantations, in America, by the hands of our treafurers, receivers, collectors, and other officers or perfons, for the time being, out of fuch of our treafure as shall be remaining in their hands, after and according to the proportions following: that is to freechors, unto the faid William Blathwaite, the annuity or yearly fathe faid annuity or yearly falary of five hundred pounds fterling, to him the faid William Blathwaite, during his good behaviour in the faid Carribee Islands, the fum of one hundred pounds; and out of our island ny of five hundred pounds fterling; to have, hold, receive, and enjoy, faid, arifing in or from our dominion and colony of Virginia, the fum of And, for the better encouragement of him the faid William ployment of furveyor and auditor-general, as aforefaid, we have given office, out of the faid rents, revenues, prizes, fines, forfeitures, efcheats, duties, and profits, arifing or growing due or payable as aforefaid, in and fay, out of all or any of the rents and other the duties and profits aforedred and fitty pounds; out of our illands, commonly called the leeward of Jamaica the fum of one hundred and fifty pounds; to be allowed to them on their respective accounts, and to be received by the faid William Blathwaite, as aforefaid, quarterly, at the four most usual feast days in the year, by even and equal portions; and the faid payments to begin from the feast of the annunciation of the blested Virgin Mary last past: and we one hundred pounds; out of our island of Barbadoes, the fum of one hundo hereby authorife, will, and direct, all officers and perfons whom it may concern to make due payment and allowance of the faid annuity or talary of five hundred pounds fterling, in manner as aforefaid, according to acquittance of the faid William Blathwaite, his executors or administrators, shall be unto fuch officers and perfons a fufficient discharge. And, the end the faid office of our furveyor and auditor-general may be ders, rules, and directions, for and concerning the fame, and relating thereunto, as the high treasurer of England, or the commissioners of the duly and rightly executed, we do hereby will and command the faid Wilham Blathwaite and his deputies to be obedient to and to observe fuch ortreafury, and the chancellor of the exchequer for the time being, shall from time to time direct and appoint; which directions and orders shall be unto him the faid William Blathwaite at all times a good and fufficient the purport, true intent, and meaning, of these prefents; for which

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varrant and discharge; and that he do deliver unto them respectively, from time to time, a fair and just state of all such accounts as he shall receive from the refpective officers fettled or established, or to be fettled or rica, as aforefaid: And that the faid William Blathwaite do alfo, from time to time, offer and prefent to our high treafurer and commiffioners of the treafury for the time being, fuch propofals and observations concerning our the more effectual execution and performance of the premifes, we do hereby further impower and authorife the faid William Blathwaite, from time to time, to conflitute and appoint, by any writing under his hand and feal, fuch inferior officers for the better expediting and carrying on our rection, from our high treafurer of England, or commissioners of our treafury, for the time being, the faid William Blathwaite shall be directed, by our authority within our colony of Virginia, we do hereby especially provide and require, that the auditor-general of Virginia, for the time Blathwaite, his deputy or deputies, from time to time, and at all times hereafter, the full and particular state of all accounts of monies arising or revenue; and after the determination of the prefent grant or grants of the selves or deputies all the powers and authorities which are or ought to be ther, it is our express will and pleafure, that, by the name and title of rents, revenues, prizes, fines, efcheats, forfeitures, duties, and profits, arifing due And, for fervice, in relation to the faid office, as by nomination, warrant, and diand them from time to time to fuspend, remove, or displace, as to him the faid William Blathwaite, with the direction of the lord treasurer, or being, do, from time to time, transmit and deliver unto the faid William other officers, lawfully appointed to collect, receive, and manage, our faid faid office of auditor-general of Virginia, the faid office is to be annexed, established, within our faid plantations, colonies, and dominions, in Amc-And whereas there is an auditor-general established and we do hereby annex the fame, to the office of furveyor and auditorgeneral hereby creeted; and the faid William Blathwaite, and his fucceffors in the faid office hereby erected, shall do and perform by themcomprized, to all intents and purpofes, amongst other things, all and all commissioners of the treasury for the time being, shall be thought necefpayable within our faid colony, as he the faid auditor of Virginia shall and ought to receive the fame from the respective collectors, receivers, and payable unto us, within our faid dominions, be understood executed at this prefent by the faid auditor-general of Virginia: faid duties and revenues as may any way tend to our fervice. fary and expedient.

manner

and fucceffors, during the continuance of this grant, and also all feizures and forfeitures fince that time lawfully belonging, or which shall at any time hereafter belong, unto us, our heirs and successors, by virtue of any law or statute of our kingdom of England, or other law which is or shall annuity or falary according to their purports and true intent of thefe-prefents, without any further or other warrant in that behalf: And, latily, general of the United Netherlands, fince our refloration, and not before; and all that shall hereafter happen, fall, or become, due to us, our heirs heirs and fucceffors, require and command all governors, deputy governors, councils, and commanders in chief, and their and every of their time to time, to observe, fulfil, and obey, our will and pleasure in all things concerning the premises, and to be aiding, assistance, and favouring, to the faid William Blathwaite, his deputy or deputies, in meddle in or with the cuftoms, impost, or duties, arifing here in England, accountable, unto us, our heirs and fucceffors, by any perfon or perfons be in force in any of our faid dominions in America respectively, or by reason of any special licence, grant, or charter, held of us, whether the fame be made on land or upon the sea, in any part or parts whatsoever, lying or fituate or commonly accounted to be lying or fituate within the limits and bounds of America aforefaid. And we do hereby, for us, our fubordinate officers and ministers respectively, and all and every collector, receiver, treasurer, and all other officers and persons whatsoever, of, in, or appertaining to, our faid colonies and dominions in America, from the due execution thereof; and we do by these presents, for us, our heirs and fucceffors, grant the faid William Blathwaite that thefe our letters patent, or the enrollment or exemplification thereof, shall be it is provided, intended, and declared, that these presents, or any thing herein contained, shall not extend, or be construed to extend, to impower the faid William Blathwaite, or any other perfon or perfons, to act or interwhatfoever, by caufe or reafon of any matter or thing happened or done good and effectual in the law, and shall as well in all courts of record or esfewhere within our realm of England, as also within any of our faid islands, plantations, territories, and dominions, whatsoever, for his the faid William Blathwaite having, exercifing, and enjoying, the faid office and manner of arrears of monies, rents, revenues, prizes, and prize-goods, fines, forfeitures, efcheats, duties, and profits, which have rifen within our faid dominions of America, and which are due, payable, and fince the beginning of the first war which was between us and the states-

virtue of an act of parliament made in the five and twentieth year of our reign; any thirty-herein contained to the contrary notwithstanding. Although express mention of the true yearly value of the premises, for or upon any goods and incrchandizes imported into this kingdom from our faid iffands, colonies, and plantations, in America, or with any bond, or obligation taken or to be taken in purfuance of any act of parliament or of any of them, or of any other gifts or grants by us, or by any of our progeniors or predecedors, heretofore, made to the fame William at any time heretofore made in England, or at any rates or duties paya-Blathwaite, in thefe prefents, is not made, or any statute, ordinance, provilion, proclamation, or relitution, heretofore had, made, enacted, ordained, or provided; or any other matter, cause, or thing, whatsoever to the contrary in anywife notwithflanding. In witness whereof, we have caused these our letters to be made patent. Witness ourfelf at Westminster, the anineteenth day of May, in the thirty-fecond year of our reign.

By writ of privy feal,

PIGOT,

P DIALOGUE

A DIALOGUE

BEWEEN TWO

ASSEMBLY-MEN OF JAMAICA, FOR AND AGAINST

PASSING THE

REVENUE-BILL FOR SEVEN YEARS.

Pro.- WELL, how do you like this putting it off for a day or two longer?

Con.-Not at all, for we have done nothing thefe fix months but put off, adjourn, and the God knows what! When do you think we shall make an end at this rate?

well adjusted, all we have done already fignifies nothing; and about fix months hence we may expect to begin again, and then I hope all that are fo fond of the frequent meetings of affemblies will have their bellies Pro. - This is the way to make an end; for, if this revenue-bill be not full; for my part, I am full of it already.

Con.-What do you mean by well adjufting it?

Pro.—I mean agreeing upon it in fuch terms and conditions as may not obstruct its passing with the governor, and yet be safe and profitable to the country; so as the forts now ready to fall may be repaired and kept in good condition, and no misapplication of the money to any other use whatsoever than for the support of the government and contingent charges thereof; and further to fecure unto us a wholefome body of laws, without which neither property nor liberty can be fafe.

Con. -And do you think that all this may be done, or that the governor will confent to any thing like it?

is the bufine's of our frequent conferring with fome of the gentlemen of unto us, when reason bath so required, as they can defire we should be to Pro. -- I not only think it, but am in a manner affured of it, from fuch as are acquainted with his infructions in thefe points; to underfrand which the other house, whose interest differs in no point from ours, whatever they may appear in their public capacity; and when we come to reafon things together, wherein the good of the illand is concerned, you will find them to be the fame with us, and that we all aim at the fame end, though forectimes we may differ in the means of obtaining it; in the arguing whereof I have always observed them to be as ready to vield condefeend unto them, when the ftrength of argument shall be on their fide.

Con.-Now I perceive you are one of the cabal, and pretended to be a manager thereof. I will have nothing more to fay to you, only that, notwithflanding all the arguments you can bring, I am and shall be as much againft the feven years bill as you can be for it, and fo farewel to you. I am none of those you mean, nor was I with them you call caballers last night, which by the way is but an ill term upon men of fuch a good intention towards the public. For my part, I have been inclined to the fame opinion I now am of a good while, and am the more confirmed in it the more I confider They that were there of our house last night are such as have all along been of the contrary opinion, who like men of prudence and good confcience, before they would proceed upon the material point which feems so much to influence the future good or hurt of Jamaica, were willing to hear the reafons of fuch as differed from themfelves in opinion, though not in interest, that, by comparing them with their own, they might after-wards refolve upon that which should carry with it the fairest probability Pro. - Pray be not fo hafty. Hear me first. of advancing the common good.

Con. -And they came away without doubt very good converts?

Pro. - I hear nothing like it, only that they were not fo positive as they were before; which I take to be the reason that some moved for putting off the debate a day or two longer, for further confiderations, though this morning was appointed for it.

. Con. - I know not what their reasons may be, but I believe I shall hard. by depart from my first opinion.

the maintaining his opinion than I give for mine; and, therefore, fince you feem to be fo positive against the seven years bill, I defire you would Pra.- For my part, I am never fo wedded to my own fenfe but I can frear another man's and embrace it, if he can shew me better reasons for let me know the reatons why you are fo.

years, the governor will have no more occasion to call us together again; so we shall never get any more laws passed, or have any grievances reme-Con.—Becaufe, when once we have fettled the revenue-bill for feven died within that time, unlefs we pay or compound for the fame.

needful to make or after any temporary law which concerns ourfelves, the matter of it will always be of fuch indifference to the king, that we opinion to offer a bill, or put in a clause in the revenue-bill, to this effect, to have an affembly called once in two years at least (de vie in diem), to Pro.-It is to be supposed that, before the passing that bill, the whole body of laws is to be fettled, efpecially all those between the prerogative and the fubject; which being done, there will not be the fame occafion for public affemblies as there hath been. But in cafe it thould be thought can have no reason to suspect his governor will relase to pass it, when it shall come before him in a parliamentary way from both boufes. confider of what shall come before them.

Con. -But, suppose the governor should not call the assembly by the time appointed by the act, what remedy have we then?

vernor do not iffue out the king's writ by fuch a time for calling a new affembly, then the affembly that was last in being shall be revived, and Pro. That may be provided for by the act, as thus, that if the gofit and act for fo many days, with the fame authority as they did when they were first convened.

Con.—But what assurance can we have that any grievance will be remedied in that time, in case they should sit and take cognizance of any fuch, when we have neither money nor bribe to procure it?

refute Pro.-For that we must trust to the governor's prudence and justice, which will oblige him to give us a convenient remedy; for, should he

refuse to do it, we shall have opportunity whilst we fit to address and remonstrate, which no prudent governor will ever give occasion for. Con.-But, do you think that if fuch a bill or claufe for the meeting of affemblies were offered by us, would it be confented unto by the

or nine months together, the governor, though he should have one year's money to spare, and of himself be well enough inclined towards thousand pounds per annum certain to the forts, besides the body of laws the paffing of that; but for us to part with our money for fo long time It is to provide against such evils that makes me be for the feven years bill, because under that condition we shall have liberty of applying a that depends upon it; and we shall not only have all the money we raise which is as much more, and the king might give it away to whom he pleafed; whereas, in any of our two years bills, no fuch conditions could have gone on giving without any fcruple, or care how to have it applied, and so should proceed ad infinitum, not confidering how much better it in it, that being thort lived and very uncertain in its raifing again, fo that once in two or three years it frequently happens we have none at all for fix the forts, yet he durst not lay it out for sear of wanting it himself the next; whereas when the revenue is fettled for a longer time, and money applied to that ufe, he will have no reafon upon like apprehention to go about to divert it, because that, if money fall short one year, he may expect it, and, provided we pass the other for seven years, we need not doubt by that act fecure to the public uses of the illand but the quit-rents also, be ever granted; and you know how that from two years to two years we Befides, a two years bill hath naturally this evil Pro. - Who can tell that? But I never heard he had any infructions zgainst it, and, from the nature of the bill, can judge of no reafon he can have to refuse it; however, if we think it a good bill, it is our duty to offer together, and have our forts neglected and fall to ruin, as by fad experience we have found almost in all governors' times, will accuse us of too much eafinefs and too little circumfpection into the country's concerns. would be for us to give a feven years bill under fo many cautions and conit will come in the next. ditions as now we may.

Con -But you know the forts have always been made the pretence for failing of money, and never any laid out upon them for divers years; and

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how do we know that, having paffed this bill for feven years, we flath not be forced to repair and keep up the forts ourfelves? Pro. -Becaufe we intend to provide against it in the bill itfelf as strong. Iy as words can bind it, by the applying of a thousand pounds per annum to that use, which if laid out accordingly may sufficiently secure us from

flanding our applying of it, who shall sue the governor, or what remedy shall we have? Con. -But suppose it should not be said out upon the forts, notwith-

however that happens, thus much we may conclude from it, that the feven years bill is in all probability the best provision we can make for there will not be money to maintain them; for you know very well it Pro.—That we must provide for as well as we can; but at least we have this remedy, that it will come under the cognizance of our two years astembly, if that bill be passed, and so be represented as an agricoance; befides which, we shall be furnished with a very good excuse to deny the giving of any more money in case it should be asked of us; but, the support of the forts, and if we have no seven years bill there is all the probability in the world that they must and will fall to ruin, in regard must be a feven years bill or none at all.

under that time will be accepted, is it not an imposing upon the freewill Con. -But, whilft a feven years bill is fo much infifted upon, that none of the subject, who uses not to be directed what or how to give?

Pro.—I cannot imagine any fuch intention as imposing upon us in it, and they must be prejudiced in it that take it so; for most certainly it is think will be as much our own, and the feveral advantages we shall receive for nothing elfe but that the king and the ministers, having found as well as ourfelves fo much trouble in the frequent occasions of new instructions and orders concerning this government, upon every meeting of affembly, they propose this method only for their eafe; and concerning which I thereby are too confiderable, I hope, for us to fuffer any fuch objections to take place against it.

Con.—But why might not a less time than seven years do?

thus, by the help of other men's puries, we can support the government, selves; a condition that hardly any other nation in the world can boaft further condescended to our applying the very quit-rents, which is as much money given out of his purfe, to the public uses of the illand; especially when it shall be confidered whose the money is that we do give, and to what uses it is given; the money is not the country's, but maintain our forts, and fecure our effates, without any charge to ourof; and all indifferent men in the world would think us either mad or bewitched, should we lofe fo good an occasion as this is of establishing our foreigners, but the uses it is given to is the island's, and the advantages from them, and which the governing minifters will not alter, concluding as well as in duty and gratitude to the king, after his majeffy hath, upon our humble addrefs, been gracioully pleafed to reftore us to our beloved form of making laws, wherein we enjoy beyond all difpute all the deliberative powers that the house of commons in England does; and hath Pro. - Becaule the governor's infructions are fuch, and he cannot vary we have all the reason in the world to comply therewith for our own takes, thereof our own; fo that certainly we shall be a very happy people, happinefs, when it is to be done upon fuch eafy terms. Con.—But it is believed the new governor that is coming may bring other orders with him, so that a bill for a shorter time may be accepted, and we have all the fame advantages with it.

or fay, for the obtaining of fome alteration in that point, he could not find that any one of the lords of the council could be perfuaded to advife Pro. Of that I am fully affured to the contrary, by a letter I have feen from him of the latest date of any that came by the last ships, wherein he writes, that, having laboured and done all that was possible for him to do but were all of them very positive that the bill ought to be for feven years at leaft. the king unto it,

Con. -But suppose, for all this, that we should not consent to it for feven years, what then? Pro.-It is impossible for me to reckon up all the inconveniencies that may attend us by it, for who knows what meafures will afterwards be taken with us; but of this we are but too well affured, that feveral of our most beneficial laws cannot be passed here, and the forts must unavoidably

2 2

go to ruin, and possibly fo far as to be past recovery, by fuch a revenue-bill hereaster, and then what can follow, but that they must be rebuilt at fides which, all the pains and charge we have been at thefe feven months together with our more precious time, in making of fuch laws as are I told you before, at the fole charge of foreigners, without one penny of the country's charge; for after this we must never expect again to have the quit-rents by any law to be appropriated to the use of the island; bealready passed here, will, in all probability, be quite lost, and the laws him the feven years bill; yet never was there a better body of laws framed for the good of Jamaica than these that now are, and others that may be passed; so that we should be extremely unhappy in such a disappointagain, at least I am fure it is no prudence to trust to it, whilst it is in our rejected at home, when it shall be known to the king that we have refused ment, which being drawn upon us by our own wilfulnefs, we shall rather have too much reason to sear we shall never have the same opportunity be exposed to contempt and scorn than pitied by our fellow subjects. power to make fure of this we have, especially when it is to be done, geal money of the island. Con.—That, I must confest, weighs more with me than any thing elfe you have faid, but I shall confider both of that and the rest, with some other of our friends; and God Almighty direct us all to do for the beft! Drawn by colonel Hender Molefworth, 1682, upon the paffing the rerenue bill void of clogs, the first of fir Thomas Lynch. (181)

ANORDER

DISAPPROVING THE

ACT DECLARING THE LAWS OF ENGLAND

IN FURCE IN JAMAICA.

At the court at Whitehall, the twenty-third February, 1682, by the king's most excellent majesty, and the lords of his majesty's privy.council.

day of November, in the thirty-fecond year of his majefty's reign, hismajefty has been graciously pleafed to authorife and empower the governor, council, and assembly, of the faid island, to constitute and ordain laws, which are to be in force until his majefty's pleasure be fignified to the contrary; and forasmuch as, in pursuance of the faid powers, an act has been passed at an assembly in the faid island, on the twenty-eighth of WHEREAS, by the powers given unto Charles, earl of Carlifle, late governor-in-chief of the island of Jamaica, and, in his absence, to the commander-in-chief thereof for the time being, dated the third October, 1681, entitled, 'An act declaring the laws of England in force,' his majefty is pleafed to fignify his diffatisfaction and difallowance of the fame; and, according to his majefty's pleafure thereupon expressed, the faid law is hereby repealed, void, and of no effect.

JOHN NICHOLAS.

THE

SPEECH GOVERNOR'S

TO THE

ASSEMBLY OF JAMAICA.

ing colony, that the people cannot enough value nor enough praife you; for, without flattery, it is your prudence and moderation that have established our peace, promoted our interests, and given such fanction to the meeting of assemblies, that I dare say, now you have made them easy, they ing a body of them, and fince we may believe this festions will give the of them have been prejudiced, others jealous, the best fo anxious, that all have been rendered impracticable; but you, gentlemen, have taken better methods, and the last sessions given such instances of your duty and SINCE all colonies need, and all people defire, certain and known laws, and that we have here laboured above twenty years in composfinishing stroke to so great and needful a thing, it must therefore follow, it will not only be agreeable to us but profitable to them that come after It is true former affemblies have met generally out of temper, fome oyalty to the king, and zeal and affection to the interest of this flourishwill for the future become frequent. From your last sessions, gentlemen, we may begin to date the prosperity of the island, for it was then you gave his majesty all the testimonies of duty you were capable of, by entirey fubmitting all your concerns to his facred will, and by your ready claufe out of the act of his revenue: It was then you framed your most feafonable petition and discreet address, wherein you acknowledged that duty, and professed that gratitude, which is due to so great a benefactor, so exact a humble application to our lords at home, that I may fay without hyperbole, if I could without prefumption, it has rendered them fo favourable if the last year it appeared brafs, this it melts into showers, to rain blefthat they feem concerned for us as advocates, kind to us as guardian angels; who does not know how gracious the king is, how obliging the lords have been, how great our credit abroad, how perfect our union here, all manprince, as our king: It was then, likewife, you made fuch prudent and the happy confequences thereof are fo obvious, I need fay nothing, kind agrees in it, and fee heaven feems pleafed as well as the king. taking every offenfive and cheerful

merchants and reafonable men, and our trade is neverthelefs encreafed, fings on us; for who has ever feen Port-Royal fo full of ships, or known the planters have fold their goods so dear. If we have had lostes at sea, king's grace and favour. This, gentlemen, appears beft in his majefty's. have they not been borne with that equanimity and filence that becomes fo that we have more feamen and veifels than any king's colonies in these Indies; and are not you all my witnesses that, within fitteen months, every man's freehold throughout this great island is almost rifen in value mented what is commonly faid, concordia parve res crefcunt, &c. peace fore again fay, and wave my part in it, your conduct has done this, and, which is more valuable, it has procured us a most particular mark of the I dare not prefume to tally it with any comment, for it is all the king, every fyllable is good, every period infinitely gracious. The gentlemen of the council have entered it in their book; here it is for you to record, not only in your journal, but in your memories, fo that you per cent, fo that we have actually expericord and quarrels ruin those that are great and prosperous; I must theremay difcourse it to your children, they to their posterity, that the generations to come may know it, blefs God for it, and recur to it as another pats your laws, and here they are in your own words; by which act and grace his majefty is pleafed for feven years to foreclofe himfelf the ufe of badoes, &c. do to this day, yet they are ancient colonies, have cost the king nothing, but have and do render confiderably both to him and the you can better comprehend than I express it; certain it is, another kind of You have, gentlemen, that claufe in the charter of the governor that continues affemblies, declares their laws must depend on the king's pleafure; you must needs have heard those of Virginia, Barnation; notwithstanding this, and that wife and just princes manage their prerogative, yet ours has been fo fingularly gracious to us as to relax his. that power which all divine and human rights veft him with; and this, of prince, in fuch kind of juncture, would have made no fuch concession, nor when prefled for money, on report only of our loffes by pirates, been so is all that the king has done for us, and by it you fee princes souls, or the perfect reprefentative God has on earth; you can no tooner shew your fubmiffion and dependence, but you shall receive good and have protection. Possibly, gentlemen, some scrupulous and ill informed people gentlemen, is a confideration fo extraordinary, a grace fo obliging, that at the charge to fend us another freight. These things are extraordinary, and agreement make little and young colonies thrive, whereas two hundred kind of magna charta. from fifty to

cipal laws, and think the ministers at home should be so supine as to have none at all for the great laws of the state, and what regards the king? Is not his revenue the reason and balance, is it not rather the soul and vitals? Can there be motions, can there be life, an government without money? The king then is very juft, and his minifiers have been exceedwithout doors (we here know and can judge better), may be thocked at difference betwixt making a thing perpetual and putting it into the train of ing prudent, for they have only joined with his powers what our good renders absolutely inseparable. If that does not entirely pleafe, you ally have life, vigour, and duration. This book, gentlemen, does not affent to them: one is the king is too humane to be paid for shedding man's blood, so you must find some other way to restrain the cruelty of feven years, and fancy the laws should have passed indefinite; but these do not confider that places, times, and affairs, as well as men and the reafon of things, do all naturally change; pray mark it, and that there is no being fo; we do not think the motions of a clock the lefs perfect or regular because it needs winding up, and if we defire affemblies should somereasonable we should have so great a concern for our little triffling muniamended, but thofe amendments are fo reafonable, you will no fooner hear them but you will mafters, more barbarous than their flaves; another is, his majefty would have his peace observed, and all his subjects have their rights; his attorney he thinks an honeft and material officer herein, so must not be dif-There are fome other things like thefe, the detail of them you have in the letter of the lords, which I put into your hands, because it will best inform and direct you. And pray take notice if there be any thing in the act already passed that The negro act the king able to his majetiv; and this I think the bett for us, and that it was a miffake to wave his majeffy's order, that provided for the importation as well as determined the price. In trade, all reffrictions and impositions that are not very supportable prove prohibitions; it is against reason or the nature of commerce to put a perpetual Handing price on goods wenned, and that use to be imported, for trade ought to have liberty and encouragement, will proportionyou will judge ought to be altered or amended, you may do it and believe keeps in his own power, either to Jupprefs or continue as feems most reason-Can any one judge should have done, or do yet, as wife nature for the noble parts, heart first, and you may believe the body and members contain all your laws, fome are returned to be couraged, nor pay other fees than in England. times meet, we ought what may occasion it. if reasonable it will be readily affent d to by me.

hopes, cramp all their defigns, for hope is as necellary for the barter of English, and nobody has denied us any native right, and that the king's der Henry VII.; yet some too many then, much more now; for this is one rapinous officers, putting fupernumerary penal laws into execution, fo wext the people that, as my lord Bacon fays, they turned law and juffice being naturally subject to all cafualties; we therefore see in all places where it is freeft there is greatest, and those that take away the merchants this world as for that which is to come; but need fay no more, we agree in the end, which is to have negroes, and differ in the way to it; for, as speak the thing, but do not give the reason of it; for my part, I cannot comprehend why some have so violently affected it, since we are all dominion is perfonal as well as local; to we may, without offending his mafefs we now have. I fuppofe none of you ever heard that any of the orderly times, and under a weak miniftry, any thing has been wrested from the king that impedes the exercise of his just authority; you are too fince told the world, and he was born a Greek, bred a philosopher, that is, he was a wife man in the country of liberty, yet faid, bonus rer pre-ferendus optimus legibus, that a good king is preferable to the best laws, under Augustus, Titus, Trajan, and those other just and wise princes, vet their wills were edicts. In facred story we read, the Israelites were not lay this to recommend what is arbitrary, but it is to advife that we effeem and blefs God for our good prince, that, like a wife and tender parent in this matter, only denied us what would hurt us. Let us therefore defire rather apt than many laws, and remember Englandhad good laws unhundred and feventy years ago, and then Empfon Dudley, with other gentlemen, is suppressed, as you may see, by the orders that jefty, claim fuitable laws and protections, which all the world must conyou imagine the ministers would permit it, and pray would you take all ther world; and, confider, does not reafon tell us now what Ariftotle long man flory feems to confirm this, for we read in it, the world was eafy miferable, and all utterly and eternally extinguished, under their ill you will chearfully humble to what the king orders, fo thall I readily the laws of England together? Would they not, like the Romans, fpoil, prudent, too dutiful, to expect he should transfer the margin of it to anoaffent to whatever you shall advise or propose to me in it. Your decladeprefs, and stiffe, that filly criminal that coveted them? What if in dif-The Roother colonies pretend to garble, and cull the laws of English war. kings, and yet they were or should have been under a divine law. there being much more in the execution than in the precept.

Some confideration like this, made a diff. that may be for your fervice and the common good, I therefore here tender you the draft of another law that has fatisfied all I have thewn it to. creet Frenchman fay, je plus vault le code de que le pais conquesse, that is, France was obliged to the king more for contracting their laws than for which makes it fit makes it operate well; but because the best of kings must die, and good laws do remain, and such, if they are not strong bar. fenfe as well as interest being bound up with yours in this and every thing. your hands, you will fee how kind and folicitous they have been, I must enlarging his dominions, which makes me fancy laws to young colonies are like physic to the body, wherein not only the quantity but the nature and due preparation of the medicine is confidered, for that only riers to bad governors, yet they are certain rules to good ones; you have as I suppose it will you, for its the same in substance though not in terms If you like it, I doubt not but the king will gracioully, pass it as your men, before I tell you we have great obligations to our friends in England, therefore good reafon to defire them, and I do comply with you in it, my who have ingenioully acted their parts, particularly fir Charles Lyttleton and colonel Beefton. By their letter and accounts, which I here put into therefore fay, it you are definous to express your gratitude for his majesty's grace and his minister's favour to us, (you must do it actually): I shall leave the method and consideration thereof wholly to you, for I would not by my advice or directions leffen your merits, or anticipate any act of your I must not end, gentleduty, but would have all arife from your own fenfe, that your honour may be tion, not the leaft vanity. God has been pleafed to put me under fuch the greater, and my fatisfaction will not be the lefs, for I have no ambifaral circumitances: pains and difeafes have taken away my health and limbs, and the unhappy voyage of my fons and their mother; what there then under heaven that I have to defire, but to tee you happy, the laws fettled, and the island prosperous, which God Almighty grant! amendments, and as he has done all the reft. into wormwood and rapine.

Spoke at St. Jago de la Vega, in Jamaica, the 5th September, 1683.

TO THE KING'S INSTRUCTION'S SIR PHILLIP HOWARD, KNIGHT.

(Duplicate)

Infructions for our trufty and well-beloved for Phillip Howard, knight, our captain, general and governor-in-chief in and overourifland of Jamaica, and other the territories depending thereon in America: Given at our court at Whitehall, the 25th of November, 1685, in the first year of our

16.-WITH thefe our infructions, you will receive our commission v under our great feal of England, conflituting you our cap-tain-general and governor-in-chief in and over our illand of Jamaica, and other the territories depending thereon.

2d.—And you are thereupon to fit yourfelf with all convenient speed, and repair to our faid island.

3d.—And, being arrived there, you are to take upon you the execution of the place and truft reposed in you, and forthwith to call together fuch members of our council in that island as are not under fuspention, viz. Hender Molefworth, efq. lieutenant-governor, fir Francis Watfon, Thomas Freeman, John Cope, Thomas Ballard, Thomas Fuller, John White, efqrs. fir Homas Modyford, bart. Theodore Cary, John Burdin, and Samuel Barry, efqrs.

tices and commands, as also displaced Charles Morgan from being captain of the chief fort, for their misbehaviour in the government; and that upon their application to his late majesty, our most dearly beloved in council, 4th.-And forafmuch as the late governor, fir Thomas Lynch, has, Byndlofs from attending our council, and removed them from all other ofthere and not then appear any cause to alter any thing the governor and with the advice of the council, fuspended fir Henry Morgan and colonel

which you are to make with all convenient speed; you shall receive our council had done therein; and colonel William Guy Handing likewife fuspended by our prefent lieutenant-governor from our council there, you are not to reffore any of them to their trust and employments until a further examination of these proceedings, and a report thereof unto us,

5th.—And you are, with a due folemnity, to cause our faid commif-fion under our great seal of England, constituting you our captain-general and governor-in-chief as aforefaid, to be published at the faid meeting. 6th.—Which, being done, you are to administer unto each of the said members as well the oaths of allegiance as an oath for the due execution of their place and truft. 7th. -And to communicate fuch and fo many of our inflructions to the faid council, wherein their advice and confent are mentioned to be requifite, as likewife all fuch others as at any time you shall find convenient for our fervice to be imparted unto them. 8th. - And alfo, as foon conveniently as may be after your arrival, your and of your being conflituted by us our captain-general and governorare to cause proclamation to be made in the other parts of our faid in-chief as aforefaid.

tions the names and characters of twelve perfons, inhabitants of our faid island, whom you shall esteem the best qualified for that trust; and so from time to time, when any of them shall die or depart out of our faid 9th.-And, that we may be always informed of the names of perfons island, or become otherwife incapable, you are to supply the first number In to fupply the vacancies which shall happen in our council of Jamaica, you are to transmit to us and our committee of trade and foreign plantaof twelve perfons, by nominating others in their stead.

great officers, judges affiltants, and justices, you are always to take care that they be men of a good life and well affected to the government, of 10th. -- And in the choice of members of our faid council, as also of the good estates and abilities, and not necessitous people or much in debt. Tith. -. And you are neither to augment nor diminifh the number of our pension of any of them, you are forthwith to transmit unto us, and to the the reason of your so doing, together with the charges and proofs against faid council as it is hereby established, nor to suspend any of the present members thereof without good and fufficient caufe; and, in cafe of juflords of our privy council appointed a committee for trade and plantations, the faid perfons, and their answers thereunto.

space of two years, or the greater part of them, without leave given under our governor for the time being first obtained, or remain absent for the our royal fignature, their place or places in our faid council shall immediately become void, and that we will forthwith take care others be ap-12th. -And you are to fignify our pleafure unto our council of Jamaica, that if any of them shall hereafter absent themselves without leave from pointed in their flead.

mittee of trade and plantations, the names and qualities of any members. by you put into the faid council by the first convenience after your so-And you are from time to time to fend to us, and our faid comfame by the governor, council, and affembly, be henceforward ufed, doing; you are to observe, in passing laws, that the stile of enacting the and no other.

And our express will and pleafure is, that you transmit authenticare now made and in force, or which shall be made and enacted within the faid island, unto us and the lords of our privy council appointed a committee for trade and foreign plantations, within three months or within the time fimited. And, forafmuch as that we have taken notice, in case for levying money or imposing times and penalties, whereby the tame fooner after their being enacted, together with duplicates thereof, by the next conveyance, upon pain of our higheff difpleafure, and of the forfeiture of that year's falary wherein you shall at any time, or upon any pretence whatfoever, omit to fend over the laws and ordinances aforefaid tion made of us in the grant or application of the fame; our will and pleafure is, that no act or order be paffed within that our illand, in any copies, under the public feal, of our laws, statutes, and ordinances, that feveral laws heretofore paffed within our faid illand of Jamaica, tor levying money and impofing fines and penalties, the faid laws, fines, and penalties, have been raifed and appropriated to feveral ufes, without any menshall not be mentioned to be referved to our heirs and successors for the by any act or order of affembly to any governor, lieutenant governor, or commander-in-chief, of our faid ifland, which shall not, according to the public utes of that our island, and fupport of the government, as by the granted unto us with the humble defire of fuch affembly, that the fame m nd, that no money or value of money what foever be given, or granted be applied to the ufe and behoof of fuch governor, lieutenant-governor, act and order shall be directed. And we particularly require and comor commander-in-chief, if we shall so think sit; or, if we shall not approve of fuch gift or application, that the faid money or value of money be then difposed of and appropriated to such other uses as in the faid act or order shall be mentioned, and that from the time the fame be raifed, it remain in the hands of the receiver of that our island until our roy d stile of acts of parliament in England, be mentioned to be given pleafure shall be known therein. And whereas great prejudice may happen to our fervice by the ablence of our governor or commander-in-chief, without a fufficient cause, and especial leave in council; for prevention thereof, you are not, upon any declaring, that our verbal leave, or other permission whatsoever, except fuch leave in council, shall not be esteemed a sufficient warrant for the pretence whatfoever, to come unto England from that government without first having obtained leave for so doing from us in council; we hereby fame, as it is particularly fet forth and directed by an order in council, dated the third day of November, 1680, herewith delivered unto you.

nevertheless permit the affembly, from time to time, to view and examine the accounts of money or value of money disposed of, by virtue of any And you are not to fuffer any public money whatfoever to be iffued or difposed of otherwise than by warrant under your hand; but you may act made by them, which you are to figuify to them as there shall be ocAnd it is our express will and pleafure, that all laws whatsoever for the urgent occasions, but in no case more than once, without our express good government of our faid island be made indefinite and without limitation of time, except the fame be for a temporary end, and which will expire and have its full end within a certain time; and therefore you shall not re enact any law which shall be once enacted by you, except upon

confent; you shall not remit any fines or forfeitures whatfoever above the treasurer or commissioners of our treasury for the time being; until you pass any law or do any act by grant, settlement, or otherwise, whereby our revenue may be lessened or impaired, without our especial leave or pounds, until you shall have first fignified unto us the nature of the offence, or occasion of fuch fines, or forfeitures and escheats, with the particular have received our directions therein; but you may in the time fufpend the payment of fuch fines and forfeitures, and you are particularly not to fum of ten pounds before or after fentence given, nor difpole of any efcheats whatfoever, or of any fine or forfeiture exceeding the fum of fifty fum or value thereof, which you are to do with all speed unto our high command therein. And whereas information has been lately given, that great quantities goods and fums of money, piratically taken away or belonging to pirates, hath been brought into and now remaining in our ifland, for the feizure and confifcation whereof no due enquiry or process had been yet fication, we do therefore charge and command you, with the advice and affifiance of our council, to make ftrict enquiry, by the best means made, or no account thereof as yet returned of fuch terzure and conyou can, where fuch goods or money piratically taken or belonging to pifuch concealments and embezzlements be brought to light, and to legal ings in the profecution of these matters, in order to receive our pleasure rates, are now to be found, and give all fitting encouragements to all fuch as may be able to make difcovery thereof, to the end that all profecution; and thereupon you transmit an account of your proceed-

council, to the end the fame may be transmitted unto us as above directed; which he has duly to perform, upon pain of incurring the forfeiture. made from time to time, together with a copy of the journal of the You are to require the fecretary of our island, or his deputy, for the time being, to furnish you with all fuch acts and public orders as shall be

unto us and to our committee for plantations; and, to prevent arbitrary removals of judges and justices of the peace, you are not to express any limitation of time in the commissions you are to grant, with the advice. ministers, within our faid island, without good and sufficient cause fignified You shall not displace any of the judges, justices, or other officers

and confent of the council, to fit perfons for their employments, nor thall you execute yourielt, or by deputy, any of the faid offices, nor fall for any perion to execute any more offices than one by deputy.

rities, fees, and privileges, granted or fettled within our faid illand, to the end you may receive our special directions therein. You are likewise, with the advice and confent of the council, to regulate all falaries or ices with all convenient speed after your arrival, a particular account of all belonging to the place, or paid upon emergencies, that they be within You shall not erect any court or office of judicature, not before erected nor established, nor diffolve any court or office already erected or establifhed, without our special order: therefore you are to transmit anto us, establishments of jurifdictions, courts, offices, and officers, powers, authothe bounds of moderation, and that no exaction be made on any occafion

And we do hereby require and command you, that no man's life, member, or freehold, or goods, be taken away or harmed under your government, but by established and known laws not repugnant to, but as much as conveniently may be agreeable to, the laws of our kingdom of England.

deal of England or our feal of Jamaica, and you are to permit a liberty of conscience to all persons, so they be contented with a quiet and peaceable You shall administer the oaths of allegiance to the members and officer of the council and affembly, all judges and juffices, and all other officers that had any office in the island by virtue of any patent under our great enjoyment of it, not giving offence or fcandal to the government. You shall take care that all planters and christian servants be well and filly as shall be thought fit, mustered and trained, whereby they may be in a better readiness for the defence of our faid island and territories under your command; and you are to use your utmost endeavours that each planter do keep tuch a number of white fervants as by law is directed, and that they appear in arms at all fuch times as they shall be required. And you are to take especial care that neither the frequency nor unreasonableness of remote marches, musters, and trainings, be a necestary impediment to nition, and flores, remaining in any of our magazines or garrifons in our provided with arms, and that they be inlifted under officers, and, as often You shall take an inventory of all arms, amuthe affairs of the planters.

kingdom, or bought with any public money, have been employed; and whether any of them, and how many, have been fold, fpent, loft, decayaid iffend under your command, and fend an account of them forthwith tion herein, you shall herewith receive an account of what hath since shall likewife demand an account from the commander-in-chief how the arms, amunition, and flores, fent from our office of ordnance in this our ed, or difposed of, to whom and to what uses; and, for your informathe month of December, 1676, been iffued out of, or fent from, the faid after your arrival, and thenceforward yearly, unto us and the lords of the council appointed a committee for trade and foreign plantations. office of our ordnance.

with the names, burthens, and guns, of all ships coming and going from the faid island, which the naval officer is to furnish you withal; and you are to take especial care that due entries be made in all parts thereof of all And, that we be the better informed of the trade of our faid island, you pointed a committee for trade and foreign plantations, quarterly, and dugoods and commodities, their species and quantity, imported or exported, are to transmit the fame unto us, and to the lords of our privy council plicates thereof by the next conveyance.

are to give an account to the bishop of London; and you are to endea-vour, with the affistance of the council, that good and fufficient stipends and encouragement to the exercife of the fame, excepting only electing shop of London of his being conforming to the doctrine and discipline of the church of England, and also our plasfure is, that you give order your government be one of the veftry in his respective parish, and that forthwith, if the fame be not already done, that every minister within no veftry be held without him, except in cafe of fickness, or that after And you are to enquire tion of the faid bishop of London may take place in that our island, as far as may be convenient, we do think fit that you give all countenance to benefices, granting licenfestor marriages, and probate of wills, which we have referved unto you our governor and the commander-in-chief for the And our will and pleafure is, that no minifter be preferred to any ecelefiastical benefice without a certificate from the right reverend the biand allowances be made and afcertained unto the ministers of every pafacraments without being in due orders, whereof whether there be any ministers within the government that preach rish within your government; and, to the end the ecclefiastical j notice of a vettry fummoned he abfent himfelf. adminifier the

and duly observed; and you are to endeavour to get a law passed in the assembly for the strict observation of the said table. You are to carry over You are to carry over a fufficient number of books of homilies, and books of the twenty-nine time being; and that no person be permitted to come from England and to keep school within our faid island without the licence of the faid bis You are to take especial care that a table of marriages, established shop; and that no other person being now in Jamaica, or that shall come from other parts, be admitted to keep school without your licence first by the canons of the church of England, be hung up, in every church, articles of the church of England, to be difposed of to every church, and you are to take care that they be duly kept and used therein.

judice of that freedom which commerce and trade ought to have, and to fettle fuch orders and regulations therein, with the advice of the council, vantage, and particularly to the African company of England; and, as You are to suppress the engroffing of commodities tending to the preas may be most acceptable to the generality of the inhabitants. You are to give all due encouragement and invitation to merchants and others who we are willing to recommend unto the faid company that the faid island may have a constant and sufficient supply of merchantable negroes, at from Spain for the shipping of that kingdom to come to that island of shall bring trade unto our faid island, or any way contribute to their adpayment be duly made, and within a competent time, according to their Jamaica, to buy negroes, which trade will probably be of confiderable advantage to our fubjects, and particularly to the royal African company, our will and pleafure is, that, for the encouragement of this defign, you take especial care that such ships and persons as shall come to that our island be civilly treated, and receive all fitting encouragement in this defign of buying negroes, provided they do nothing contrary to the act of navigation or the laws established in that our island. And, that the faid perfons may have free admiffion of bringing either quire, that no other duties or impositions be exacted or demanded for the blacks or goods, more than the law doth appoint; and you are likewife, upon the coming or departure of any ship to or from our faid island, to buy or carry away fuch negroes, to order them to be convoyed by our money or goods of the product of any of the faid countries, we do refrigates as far as you shall find conducing to their security, and encouragemoderate rates in money or commodities, fo you are to take care agreements. And whereas we are informed that permiffion is

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with the crown of Spain, an authentic copy whereof you shall herewith receive. And, in case any private injury or damage shall be offered or done to any of our fubjects in those parts by any of the fubjects of the nient speed, by one of our principal secretary's of state or the lords of our committee for trade and foreign plantations, and not to permit or encourage reparations thereof to be fought in any other way than what blishing of peace, in America, concluded at Madrid, the 18th July, 1670, king of Spain, you shall take care to give us an account, with all convement of the negro trade in that island. And we do hereby command and enjoin you carefully to observe all the articles contained in the late treaty for the composing of differences, reftraining of depredations, and oftaego Maget to fettle in our island of Jamaica, in order to continue the negro trade with our fubjects in that island, you are therefore to permit him and all others concerned in the faid grant from the king of Spain in ment to the trade. And it being reprefented unto us, that the faid king of Spain hath granted power to Balthafar Caymans of trade under a pri-Spanish West-Indies, and to take possession of the estate of Portio, for the faid Maget to have the free benefit of the law, and to countenance their proceedings there, to far forth as may confift with the encouragethe benefit of his creditors, and that the faid Caymans hath impowered Ditent, formerly granted to Nicholas Portio, for importing negroes to the is directed and agreed on in the faid articles of Madrid.

ferving as jurors; our pleafure is, that at the first opportunity you endeavour the passing such a law. And our will and pleasure is, that appeals appellant to answer fuch charges as shall be awarded in case the first sen-tence be affirmed; and if either party shall not rest satisfied with the judgment of the governor and council, that then they may appeal unto us in council, provided the fum or value fo appealed for unto us exceed five Jundred pounds, and fuch appeal be made within one fortnight after fentence, and good fecurity be given by the appellant that he effectually pro-And whereas we think fit, for the better administration of juffice, that a law be paffed in the affembly, wherein shall be fet the value of men's estates either in goods or lands, under which they shall not be capable of nor and council in civil caufes, at the hearing of which appeals any three or more of the judges of the fupreme court are to be prefent, to inform and affift the court, provided the fum or value appealed for do exceed three hundred pounds frerling, and that fecurity be first duly given by the be permitted in cafes of error from the courts in Jamaica unto the gover-

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and council be affirmed, fo as execution be not fufpended by reafon of ecute the fame, and answer the condemnation, as also pay such costs and damages as shall be awarded by us, in case the sentence of our government any fuch appeal unto us.

feverity, which, by reafon of ill mafters or overfeers, may be ufed towards You shall endeavour to get a law passed for the restraining of any inhuman their christian servants or other slaves; and you are also, with the affiftance of the council and affembly, to find out the best means to facilitate and encourage the convertion of negroes to the christian religion.

jefty, who did not think fit to confirm the fame, by reafon of a clause therein contained, whereby such as wantouly and wisfully kill a negro the next affembly, and further to propose to them the enacting a stricter And whereas, amongst other laws passed in Jamaica the 5th September, 1683, an act for regulating flaves was transmitted unto his late maare only liable to a fine and three months imprifonment; which penalties, notbeing equal to the guilt, might encourage the wilful fhedding of blood, for which it is necessary fome better provision be made, to deter all perfons from fuch acts of cruelty, you are therefore to fignify the fame unto clause in that behalf, which may be fit for our royal confirmation. You are to recommend unto the council and affembly the raifing of flocks, and building public workhouses, in convenient places for the poor and indigent people.

drew's parish, in that our island, has been diverted from the intended use, our will and pleafure is, that you make enquiry concerning the fame, and to take care the faid donation be rightly applied. And whereas we are informed that a donation formerly made in St. An-

plication of the respective governors thereof to you, assist them with what aid the condition and fafety of the island under your government can In case of any diffress of any of our plantations, you shall, upon ap-

ing places and harbours in the faid island, and, with the advice of our God council, erech in any of them fuch fortifications as shall, be necessary And your are to cause a furvey to be taken of all the confiderable landfor the fecurity and advantage of the faid island, which shall be done at the public charge, not doubting of the chearful concurrence of the inhabitants thereunto, from the common fecurity and benefit they will reAnd whereas we are given to understand there are several offices within our faid island, granted under the great seal of England, and that our ferreprefented the whole matter unto us, and received our direction therein. tions, what you think fit to be done or altered in relation thereunto; and ties, fufpend them from the execution of their places till you shall have and to enquire into the capacity and behaviour of the perfons exercifing them, and to report unto us, and to our committee of trade and plantaand by their appointing deputies not fit to officiate in their flead, you are therefore, upon your arrival in Jamaica, to inspect the faid offices, you shall, upon mishehaviour of any of the faid patentees, or their depuyou are to confider of a law like unto that in Ireland for absentees, that vice is very much prejudiced, by reafon of the absence of the patentees, appointing in the mean time fit perfons to execute the faid places; and the inconveniencies arifing thereby may be avoided.

fions, made complaint of certain proceedings of fir Thomas Lynch, you are, upon your arrival in Jamaica, to examine the faid petitions, and to transfinit unto us a true state of the matters complained of, with your And whereas Matthew Maveril and Abraham Gill have, by their petiopinion thereof for determination. And whereas complaint bath been made unto us, by the creditors of tute of bankrupt here in England, against the estate of the faid Littleton, titioner's money and credit by the faid Littleton, you are therefore to examine the petitioner's cafe, and if the fame, with other cafes of like nature, be not fufficiently provided for by law in that illand, you are to propole an act to be passed in the affembly there, whereby the petitioners, and others the creditors of perfons becoming bankrupts in England, and having effates in Jamaica, may be relieved and fatisfied for the debts Tames Littleton of London, merchant, that they, having fued out a stathey are neverthelefs without any remedy, although there be a confiderable plantation and other effects now in Jamaica, purchased with the pewing to them. And whereat Sarah Harrison hath likewise complained unto us, that a

parcel of land with houses belonging unto her, at Cagoway in Jamirca, us, humbly praying that they may be reftored unto her, upon paying the tho petitioner's cafe, and transmit a true state thereof unto us for our are under feizure for the arrears of rent, referved upon the faid lands unto Isme arrears, you are therefore, upon your arrival at Jamaica, to examine

taking advantage of any penalty or forfeiture against any of the prefent planters or inhabitants of the faid island, for not manuring or planting of their lands according to their time heretofore limited and appointed them We do hereby authorize you to forbear, if you shall think fit, the for the same, until you shall have represented the true state of the affair committee for trade and foreign plantations; which you are accordingly to do with all speed, in order to receive our further commands and direcunto us, by one of our principal fecretary's of state, or to the lords of our tions therein. that all fervants that fhall come or be transported to our faid island shall serve their respective masters for the term of four years, from the time of their landing; and every perfon faid mafter, his heirs and affigns, for ever; and the faid fervant shall, at the end of the faid term, have thirty acres of land fet out and affigned and transported, have fet out to him, upon the landing and employment of the faid fervant, thirty acres of land, to have and to hold unto him the that shall transport or carry servants there, shall, for every servant so carried to every of them refpectively, to have and to hold to them and every them, their heirs, and affigns, for ever. Our will and pleafure is,

Our will and pleafure is, that you take unto yourfelf, as governor, two the chief-justice, one hundred and twenty pounds per annum, and to the commands the fort there, fix shillings per diem, and to the gunners and thousand pounds sterling per annum out of the revenue, arising within that our island, and that you cause to be paid out of the said revenue, to other judges, as also to the marshal and clerks of the affembly and other officers, their feveral allowances belonging to them; to the captain that matroffes what hath been formerly paid.

port of our government of Jamaica, by fetting apart fufficient allowances And whereas we are willing in the best manner to provide for the sup-

t me being within the fame. Our will and pleafure is, that, when it shall happen that you shall be absent from that our island, one full moiety of and fatisfied unto fuch governor or commander-in-chief who shall be refident upon the place for the time being; we do hereby order and allot unto him, for the better maintenance or for the fupport of the dignity of for fuch as shall be our governor or commander-in-chief, refiding for the the falary, and all perquifites and emoluments whatfoever, which would due unto you, shall, during your absence, become hat government. And we do hereby empower you to confent to a law for raifing money, in order to the better carrying on the folicitation of the public affairs in England, provided fuch law do not exceed three hundred pounds iterling yearly; but, in cafe you shall not think fit to agree to fuch a law, our pleafure is, that then the perfons defiring the fame may be permitted to make voluntary contributions for difcharging the expence of their folicitations, provided fuch contributions do not exceed in one year three hundred pounds fterling. And that, when any complaint shall be intended against you, notice be immediately given you thereof by the complainants, with the charge against you in writing, to the end you may make timely preparation for Laftly, if any thing should happen that may be of advantage and fecurity to the faid island, and other the territories depending thereon, which our committee for trade and foreign plantations, speedy notice, that so you may receive our confirmation, if we shall approve the same: Provided always, that you do not, by colour of any power or authority hereby is not herein or by our commiffion provided for, we do hereby allow unto given you, commence or declare war, without our knowledge and partiyou, with the advice and confent of the council, to take order for the prefent therein, giving us, by one of our principal fecretary's of state, cular care therein.

By his majesty's command,

SUNDERLAND.

SAMUEL

SAMUEL BERNARD, ESQUIRE'S, SPEECH

TO HIS EXCELLENCY COLONEL MOLESWORTH,

ON HIS APPROVING THE

ASSEMBLY'S CHOICE OF HIM FOR THEIR SPEAKER.

May it please your honour,

THE approbation these gentlemen give to the past assembly, and the same you are pleased to pay to the former governors, makes me their fpeaker.

nour's representation, and that our joys cannot be expressed for his peaceful possession of the throne of his royal progenitors; maugre some clouds which since rose, but were soon dissipated by the divine blessing, on his arms, to convince those that are not both obstinately and wilfully blind of the truth of that feripture, that faith, by him kings reign, that though the fun fet, yet might no obscurity follow, but what tended to the further illustration of of his glory, and his being the more immediately under the This being the first time, since his majesty's happy accession to the crown, that we have met in a body, I esteemed it our obligation thus publicty to make profession of our duty and loyalty to his majesty before your hoprotection of heaven. The late fevere accident of the rebellion of our flaves might eaffly make rent; I cannot but hope for a hearty union in all to do our own business; we know that our lives and fortunes, and of those that is most dear unto us, are all concerned, and such interest seldom fails to speak the truth plainly to us; and indeed in this case I may safely say, salus populs ought to be, if not prima et suprema lex, which if well considered we shall easily evade the character fixed on those that provide not for their We need not doubt your concurrence, you are fo well known to us all, and have for formany years given fnch continued proofs of your us infer the occafion of our calling, as well to redrefs the past as obviate any further evils of that nature, the reasonableness of it is but too apparany further evils of that

candour, we may expect all things from you that conduce to his majeffy's fervice, and the good of this island.

Laftly, fir, 1 am in the name of these gentlemen to crave the preserva-tion of their usual priviledges, freedom of debate, and access to your person, to prevent misconstructions; and to your former private favours add this public one, your pardon of me, their speaker, whose brevity ought to have compounded for his ill oratory.

COLONEL MOLESWORTH'S SPEECH

ASSEMBLY OF JAMAICA.

THE chief occasion of my calling you together at this time is, to advife with you in a matter that is certainly of very high importance vision than any hitherto made) against the barbarous treachery of our own slaves, to keep them in due order and subjection, as to render them may not only ferve to effect it speedily, but discourage all others from joining with them or attempting the like by their example; the methods solved on it: It is how to secure ourselves and estates (by some better proinfurrection, to be provided with fuch ready means for their reducing as unto us, and therefore it was no fooner in my power fo to do, than I retruly ferviceable unto us, and us fafe with them; in case of any sudden whereof are referred to you. It is but too well known unto most of you, what abundance of trouble and charge a few of these desperate villains have lately given us, besides the bloody mischiefs committed on many poor families, which, though much more, had their courage been equal to their agility of body and the opportunities they had for it. But God Almighty was pleafed to reftrain them, whose goodness we can never fufficiently acknowledge is far thort of what common same hath rendered it, yet might have been

ment for the suppressing that unhappy rebellion, under the disadvantageous circumstances of no money, and crippled power over the militia, they were too notorious to want defence, and not enough fuccefsful to merit I shall not need to tell you what endeavours were used by the governpraise; though, God be thanked, there are great hopes that we shall never more be troubled with that enemy.

What I have more particularly to recommend to you is, that you would take care to repay the money borrowed and expended upon that occasion: To gratify the fervices of fuch poor men as to their extreme detriment have been commanded out in parties, without any pay or other confidera-tion than what depends upon you: To reinstate such others in their setthere for the future, in cafe of like accidents: To pay the little fcores your the council, and order performance where it is due: To enlarge the officerspower over the militia at all fuch times: And, further, to provide a certain fund for the answering all fuch emergencies as may hereafter tlements as have been driven from them, and confider how to fecure them parties have run into the poorer fort of planters for provifions, when they could not be otherwise supplied: To confirm the rewards promifed

I have ordered the receiver-general to have all his accounts ready for your perufal, that you may fee the state of the revenue, and be entirely fatisfied that the monies appointed for the forts have been duly applied, The fortifications themfelves shew according to the direction of the act. it as well as the accounts declare it. The captain of the fort hath order alfo to inform you, if you defire it, doubt not but he will give you fuch an account as you will be very well how he is provided with all forts of flores and ammunition, whereof I

And now, gentlemen, being met together, I have one thing more to recommend to you by special direction from his majesty's command, which still is for our advantage; that you will prepare an act for the afcertaining the fervitude of the rebels lately fent from England for ten years, according to the confideration of their pardons, and take care to prevent all clandestine releasements or buying out of their time; to tine end that their punishments, after so great a mitigation, may yet, in some meafure be aniwerable to their crimes.

not think the penalties therein mentioned to be fufficient for the wanton and wilful effufion of human blood, and therefore you are to think of postponed for no other reason than because his majesty and council do It behoves us also to consider that the act for governing our slaves hath not paifed the royal affent, as the reft of our body or laws have done, though we have hitherto been permitted the use of it; yet hath it been fome other expedient,

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charges borne, and the clerks paid, when the laws you now make thall be fent home for the royal confirmation; befides intervening accidents that require a confant fock in their hands, as other plantations have, the You will do well also to confider the solicitors shall be supplied their whereof you may regulate as you think fit. I know you all to be too wife for me to think you into any thing I would have you do, and I believe you too prudent to be talked out of what you ought to do, and do not at all doubt but that there are fome who would be glad to fee or make divitions amongst us (there feems to have been pains taken for it), but good patriots know how to govern themfelves on fuch occafions, and wifdom is ever to be justified by her children.

thing from you, that I have been known amongst you twenty years, that I am one of you, and that my interest stands upon the same foundation Let it fuffice that I can fay for myfelf, I neither defire or expect any with yours; and therefore can have no defign in what I now offer, wherein I must be equally concerned with you in the event.

wrong meafures, to the frustrating of the happy occasion now offered, it will rife up in judgment against you, together with all the sad confeinto your hands of doing yourfelves good; if you make a right ufe of it, Gentlemen, and brother planters, I have now put a fair opportunity I shall be very glad of the part I bear with you in it, but, if you fall into quences that may happen to attend it.

commended unto you, and thall have any further to propose from your-Clves, I shall readily entertain it as far as may be confiftent with my duty. After you shall have proceeded to a full refolution of the matter reI fay let his prerogative and royal order be ever facred to you, and then you need but tell me what you would have me to do, &c.

Mr. ELLETSON'S SPEECH IN THE ASSEMBLY.

MR. SPEAKER,

'HE state and health of Jamaica, till within this small time, hath been very well known to most of the gentlemen here prefent, by its a current trade well fettled, encouraged, and maintained; it hath fince vigorous and flourishing condition, its wholesome laws duly executed, and that fallen into a languishing condition, and is now near expiring. Our most gracious fovereign, in his princely care of, and kindness to, his subjects, as the best of kings and skilfullest of physicians, hath at this time, without any regard to himself, but folely to regain our former state of health and confirm it to us, called this general confultation.

plain of its indifposition, that the malady, though compounded of ever fo many ills, may by him be thoroughly understood, and then experience Every member, therefore, of this infirm body ought faithfully to comteaches the application will be proper and the cure eafy. That we have a complex of difeafes is most certain; our faces are our flomachs are vicious and full of bilious humours, our hearts are as hollow as deceit itfelf.

either receive its due nourishments, or the body becomes decrepid and infirm. Jamaica, till of late, hath not been known to want any thing, but now, with a great deal of forrow may it be thought of, and truly faid, to want all things, negroes, trade, and money; on these three hang all the good and ill of this island. By me kings reign and princes decree judgment. The only care of late hath been for the prefervation of head and heart, and a total neglect and flight of legs and arms; but the little finger must

As I came not here to act any thing malicioully, or in-prejudice of any man, fo neither was I fent here to advance my particular estate or purchafe to myfelf honour, by conniving at or confenting to any thing which in my confcience I judge not the true public interest of Jamaica My motion therefore, Mr. Speaker, shall be, that this house would truly and impartially confider Jamaica's prefent affliction, and in a proper method its true remedy and redress. And let all the people say amen.

SOUTH SEA ACCOUNT, BY ARNOLD. RICHARD ARNOLD'S DEPOSITION.

SAMAICA, IL.

The examination of Richard Arnold, aged twenty-fix years or thereabouts.

on the laid place and cone; at twenty-four ounces of gold duit each thare, leaving the other grofs at twenty-four ounces of gold duit each thare, leaving the other belonging plunder to the Indians: that at this place they took a barque belonging to Seas, under the command of one captain Peter Harris, being invited to that undertaking by one John Matthews, an acquaintance of the faid examinant, being the only man of all the company that went over with the went off in a floop, whereof one Daniel Smith was maffer, from Point Negril to Grand Caymanas, and from thence to the Mufquito's in another from thence transported to the Main near the Golden Island, where they foon revived by the good news that one Josepho, a great man amongst them, who spoke Spanish, and who had some considerable command and in-THIS examinant faith, that on or about the fixteenth day of June, anno domini 1684, he went off this island on a voyage to the South faid examinant, who had been there before; and that the faid Arnold floop, where he was taken by the faid Harris on board his barque, and ty-fix white men and three Indians, and there funk their vessels; and that, on their arrival there, they were told by the Indians, that king Golden-Cap was dead, which troubled them for fome time, but were terest amongst the Indians, was willing to be their guide through the country towards the Stockadoes, whither they were defigned, being as aforefaid, and fo came down that river, and landed within half a mile landed and were multered under the faid Harris, to the number of ninewhereupon twenty Indians, and fent others before them to prepare canoes for their march in four days; and there embarked into the canoes provided of the Stockadoes, having by the way, by the help of the faid Josepho, got together about three hundred Indians; and early in the morning tell them, about twelve leagues above the faid Stockadoes, and performed on the faid place and took it, where they shared about a hundred shares, they fet forward under Josepho's conduct, having with thirty leagues diffant from their landing place:

guns on the coast of Gumica; and at the Isle of Plate found the faid ship Dutch ship of thirty-fix guns, which he took with a fmall vessel of three ceeded on their voyage for the Cays to the fouthward of Panama, about two leagues thence called the King's Cays, where they took about ten other barque of four pederaroes, being well fitted out of the other eight with all manner of necessary rigging, they proceeded to Cape Clare to the fouthward of Panama, to cruize for a ship, leaving the other eight gagement they loft three men outright, and two more wounded, who died foon after; the Spanish admiral above forty men. From thence hopes of getting a bigger veffel, being a place where the Spaniards built forty tons, fixteen guns, and twenty men, with whom they entered into an agreement for his ship at ten shares himself, his men two, and his boy half a share; the business of the said Swan before that time, as this exaone captain John Cooke, who the faid Swan told them was come about in a commanded by one captain Davis, and manned with feventy-five men, the faid Cooke being dead; on board of which ship the faid Davis had a plantains, &c. and with two of the best of the faid barques, and the barques on the shore on the Cays; from whence, having spent some time to no purpose, they steered away again to the westward near the place fon they fo well defended themselves with pikes, and the night coming on, they flood away further to the westward for the river called Niciao, in their ships; in fight of which place they spied a ship at an anchor, to minant believes, being only for trade. On which agreement, they manned the faid ship and turned the lesser barques adrift, retaining only armed with small arms, with about a thousand pounds it rising in dail gold, the rest of her cargo being liquors and lumber: here also the said examinant faith, they took eight large canoes, on which they all embarked acanoes went down the river Andriel to the mouth of it, where they took another veffel laden with provisions and some wine, with which they prowhere they fitted, where they were attacked with five barques fitted out from Panama to take them, the admiral of which they laid on board, and fought board and board for an hour, but could not lash him fast, by reawhilft the reft of his fleet lay to windward and faw fair play. In this enwhich they made, and fent their canoes on board to know who and what that first taken, and fo stood away to the fouthward, to join themselves with gain, leaving the Indians at the Stockadoes; also with their barques and to his most Catholic majesty of four pederaroes, and thirty men, well the was, which proved to be captain Swan in a thip about a hundred and fail of pearl barques, having nothing on board them but

ty men, and took, plundered, and burnt, it; where they were entertained? with about a hundred and fixty men from Pura, a place they defigned to take by furprize; fo, finding themfelves deferied, and that city in arms the Barkadera of Lima, where they continued about five captain Lequi with about fifty, both which came together over land from Golden Island, as aforefaid; and, to welcome the faid Francis, this examinant faith, they gave him a ship of four hundred tons, which they had taken Island, viz. captain Francis Townly, captain Leigh, and captain Brandy, with about three hundred and fixty men amongst them, most English, who in this voyage with their canoes took two ships with provisions; where it was further agreed to carry on the defign against the Spanish sleet, and vice-admiral, who utterly refused to wear French colours or fight under any other colours than the king of England's, for that he had lost two men in fair trade with the Spaniards, and so wore the union flag at fore-And that captain Francis should second prisoner who undertook to carry them to a rich town called Guyaquil, on which voyage they proceeded, and went up the river in their canoes, faid town; where, being landed and ready to march, on feeing many lights in the town, a difpute arofe between Swan and Davis, who then commanded the whole party. Swan fuppofing the fame to be lighted cried; whereupon they returned on board again, much difatisfied with Swan's conduct, being well affured by their prifoner they might have made five hundred pounds fterling a man in gold. From this place they proceeded to another place called Payla, where they also landed about ninefor their coming, they returned on ship-board again. On this bad success, it was generally concluded among them to stand away to the westward again for the Cays, and to lay there for the Spanish fleet then expected months; during which time feveral parties came over land, as this examinant and his companions had done before them, and got to the faid Cays in canoes, wiz. one captain Francis with about four hundred French. whilft at the Cays, laden with flour, where also they took about twelve Panama, all which barques they turned adrift, having taken their necef-faries. After the arrival of the two first parties, and difposal of the said great ship, there came three other parties over land by way of Golden and carry the flag at the main-top-maft-head, and that Swan should be and landed about a hundred and thirty about two leagues thort of the matches would not adventure to march farther, concluding they were debarques with provisions, fowls, and other fuch like necessaries, bound for that Davis should be admiral, having an antiquated French commission, top-maft-head, king's jack, &c. from Callas,

his fire-ships defigning back again to the fouthward for Truxille, a place far to windward; after which this examinant never faw or heard of Townly directing their course farther to westward for Aqua Pulco and Cal-Swan and Townly. In their defigned voyage for Truxillo, being in fome want of provisions, Davis, with whom the examinant failed, touched at Davis, who was to lay the admiral on board, captain TownIy to second lifornia, to try their fortunes there, and from thence round the Phillipine Isles to the East-Indies, and so home, as they faid; captain Davis and captain Swan, who was to board the vice-admiral, and that captain Loonard in a fire-barque should also attend on Davis, if need were, to burn the interim of which, the Spanish sleet standing far off in the offing, ward of Panama, and there takes in confiderable reinforcement of men, the admiral having fifty-four guns, vice-admiral forty-fix, and rear-admiral thirty-fix, and from thence to twenty-fix and fixteen guns, coming right in upon them, which caused them to weigh and stand off, to clear and get the wind of them if possible; upon which the Frenchman, who should have seconded Davis, veers away, and never offers to tack or come had left them with their fire-ships, made a running fight of it, having turned fome of their canoes adrift, and loft other fome by the Spaniards shot: went further to the westward, to a place called Quibo, to build new canoes, where, in three weeks, they built ten new ones; where it was concluded to go for Rio Leo and the city of Leon, which they took, plundered, and burnt, having miffed of the wealth, having been deferied they refumed their former refolutions for Rio Leo, which they took likewife, plundered, and burnt; the last place affording nothing valuable to them, more than pitch and tar, being the product of those places, and that place famous for building great ships; there also the Spaniards set fire to two confiderable ships on the stocks, one ready to launch, to prely, to confult them what was best to be done; who, finding the French ere they entered the town, fo shared no confiderable matter; after which vent them falling into enemies hands. At this place the fleet divided, being in or about the month of June, anno domini 1685, Swan and passes unfeen, and lands their money at Leveia, about ten leagues to west-S.c. and comes to sea, confisting of about eleven fail and two fire-ships; unexpected to the privateers about the Cays from the westward, stood The next day, they being to leeward of the Spanish seet, the admiral and his fleet bore down on Davis, who bore away to fpeak to Swan and Townto their affiftance, whereby that day was quite fpent without any action. the Spanish admiral, and in that manner to engage the Spanish sleet.

certain islands called the Gallipoli, being informed by some of the crew Truxillo, but milled it, the wind blowing fo hard that it was not possible for them to turn to windward of it or row ahead with their canoes, and fo at a barquadier called Chereby, and took it with all the Indians belonging to that town, to prevent being deferied, and marched for Samia, being about feven leagues up in the country, with two hundred and thirty men, that captain Eaton had formerly left fome flour there; and accordingly found it true, and took in feven hundred packs of flour and proceeded for commanded by captain Davis and one captain Knight, in abarque of fiftywhich they concluded to fall on another inland town called Pura, about ten leagues to leeward of Samia, and about the fame diffance in the country; and to that purpofe, being informed by their pilot of the fearcity of water in the way, had fitted themfelves with calabalhes to carry every five men, who fell in with them as they came from the westward; which town they took and kept three days, and plundered it, where they shared about three hundred pieces of eight a man in money and plate. In their return, they found in a ftorehouse about four hundred jars of wine, and ten thoufand pounds of indigo, but meddled not with any thing but a little liquor, the feas ruthing too high to carry off any heavy matter: After Irifhman, who was taken by the Spaniards as he was returning from Samia quainted them with it, being let go again; but fuffered them to proceed on it, and were going afhore in their canoes for Pura, where by chance to the ships, who confessed the defigns to the Spaniards, and never acthey took a fmall barque, the maffer of which told them they were bea place called Payla, which they formerly burnt, where the faid mafter told two finall barques to carry them back into the river Andriel; at the mouth of trayed, and that town in arms; fo they altered their purpofe, and fell on them were two ships, one with five hundred negroes, and the other with magazine goods and friars, and took the town and ships; but took not away nant alfo, with thirty-eight more of their company, defired the faid captain Davis to fend them back again; on which the faid captain Davisgave them above thirty-nine negroes and fome goods for cloathing; where the examiwhich river they left their barques and bought fix canoes of the Indians, and embarked on them, having each of them a negro to carry their luggage over land; and, after fix days fpent in coming up the river, they arrived at the foot of the mountain above the Stockadoes, and from thence in two days march to a place called Matauze, being about eight leagues bore up for Samia, about twelve leagues to leeward of them, and man's portion of water fit for the march; but they were deferied

from the faid mountain, where they all divided again into finall parties; this ing, and not able to beat up to windward, flood up for Jamaica, where they landed at Manatee-Bay to leeward of Port-Royal. And this exacome away in lefs than four months from this time. And the examinant further faith, that they never fettled in any island or fortified the fame, Musquitoes, they met with a floop, one Peter Courtney master, with whom minant faith further, that he never faw captain Eaton, but was told that he went about by the East-Indies about fix months before Swan left them; he left about two hundred and fifty men under the command of captain ward of Lima, after which it was refolved that he would fit his ship in order to return with fuch as would go with him through the streights of of Darien, for that it was the examinant's opinion that they will be all purpose to interrupt their passage, and so designed in their canoes for the Musquitoes; but off Point Blanco, about fifty leagues to windward of the they agreed to be put on thore at Sact-Tartudos, but the wind overblow-Davis, amongst whom was Peter Harris, with whom the examinant went figned to make an attempt upon a place about feven leagues to the fouth-Magellane, when the reft have determined to return over land by way examinant and five other Englishmen, viz. John Mitchell, William Ruyber, Samuel Leigh, Willam Nevil, and Robert Dawes, betaking themfelves to canoes, being diffurbed by a Spanish periagua fent thither on neither did he hear any more of the French that deferted them: That The faid captain Davis, at the coming away of the deponent, deas had been reported, and that he arrived here on Saturday night, killed in over, who was related to Peter Harris that was formerly the 24th of July, 1686, and further faith not.

RICHARD ARNOLD.

Sworn before the right honourable the governor, the 4th August, 1686.

D d &

SAMUEL

SAMUEL BARRY'S PETITION TO THE KING.

The humble petition of Samuel Barry, an ancient inhabitant of your

SHEWETH.

THAT your petitioner hath lived under feveral governor's in the faid island, and hath always behaved himfelf dutifully and loyally toinfructions (as your petitioner is informed) the governor, without the confent of the council, hath fufpended him the council, and hath brought wards your majefty, and respectfully towards the several governors your judges of his own choofing, and prevented your petitioner of the opportunity of appealing, which has forced your petitioner to leave the illand, to prevent his utter ruin, as by the cafe hereunto annexed appears. majesty's royal brother hath been pleased to set over us; and, at the arrival of the present governor, was of the council: That, contrary to his an action of foundal. magnatum for a thouland pounds, to be tried before

May it therefore pleafe your majeffy to direct the ancient judges to be reftored, or fuch judges to be appointed as are men of known wildom, integrity, and estates, as both know to do, and will do, equal justice, or otherwife to relieve your petitioner, as to your great wildom, piety, and juftice, shall feem meet.

And your petitioner shall ever pray, &c.



AN ADDRESS OF THE COUNCIL AND ASSEMBLY

OF JAMAICA TO THE KING,

AFTER THE ARRIVAL OF THE DUKE OF ALBEMARLE.

TO THE KING'S MOST EXCELLENT MAJESTY.

The humble address of the council and assembly of your majesty's island of Jamaica, convened under his grace the anke of Albemarle.

MOST GRACIOUS SOVEREIGN,

WE, your majefty's most dutiful fubjects of this new world, warmed by the benign influence of your royal beams, from which no difknowledge unto God and your majefty the many bleffings we enjoy under the prosperous reign of so august a prince; and more especially do, with most dutiful and thankful hearts, acknowledge the continuance of that unparallelled bleffing, the protection of the church of England, given us by your royal favour, at your happy accession to the crown, and also for the tance of place can feelude us, do, in all humble and grateful manner, actoleration and general indulgence of religion your majefty hath been pleafed to grant the reft of our fellow fubjects.

Royal fir,

We cannot conclude here, without further acknowledging unto your be shaken in loyalty to your majefty, due obedience to his grace, and our hearty endeavours for the good and prefervation of this your majetty's island; praying unto Almighty God for a long continuance of your happy reign over us, and that there may never be wanting of royal iffue majefty the transcendant honour done to this infant colony, in appointing fo illustrious a prince to govern us; from whose care and conduct, with the continuance of your majeffy's favour towards us, we may juffly hope for many advantages; promifing on our parts, as we hereby do, never to to fit upon your throne from generation to generation. - Amen.

AN ADDRESS OF THE CATHOLICS IN JAMAICA, TOTHE DUKE OF ALBEMARLE.

neral-covernor of this his may y's illand of Jamaica, and territories grace, Christopher duke of Albe varle, lieutenant-general and thereon depending.

MAY IT PLEASE YOUR GRACE,

which as well on the behalf of ourfelves as the reit of the catholics of tection to us, equal with the rest of his majesty's subjects under your government, unless the divine will, that directed his majesty to convey to us the bleffings and fatisfactions which the reft of his fubjects enjoy at home, by virtue of his late declaration, through the perfon of fo good and gra-'HE extraordinary benefits we have already received by your acceffion to cious an influence, oblige us, with the deepeth fenfe of gratitude, to exprefs and publish our acknowledgments, and beg your grace will be pleafed you our unfeigned thanks for your repeated affurances of fafety and prothe government, and that we have of future happinels under fo aufpifavourably to receive thefe our hearty tenders of duty and affection. this ifland, we humbly offer; and do therefore, illustrious prince, return cious a prince; as we are confident there never was more mercy, never in fewer expressions than is in his majefty's faid late declaration for liberty of confcience, fo we dare affirm, there never was choice made of a more apt and proper minister for the advancement and distribution of those royal attributes than your grace, to whom moderation and temperance, loyalty and constancy, virtues inherent to that memorable and your own inclinations; whereor, we being the proper objects here, have jefty, with this affurance to our obedience and conformity to your grace's jefty, with this anurance course, standard both our loyalty to the king command and government, shall evidence both our loyalty to the king more goodnefs and clemency, or more juffnefs and compaffion, contained princely flock from which you are descended, are so natural, that, in fufficiently tafted, and which gives us encouragement humbly to recommend ourfelves to your grace's favourable reprefentation of us to his macompliance with his majefty's pleafure and commands, you do but fecond

-and duty to his governor, which, with our daily prayers for the prosper-ous and long continuance of your grace's government over us in this island, concludes the fignal testimony of our thoughts and intentions, and is fubfcribed by

Your grace's

Most obedient and humble fervants,

THOMAS CHURCHILL, Chief paffor of his majesty's catholic fubjects of this island.

JOHN JONES,
FRANCIS THOMAS,
REDMOND M'RAUGH,
WILLIAM LINWOOD,
BRYAN M'GRAH,
JAMES WATE,

JOHN STAPLETON, GEORGE PIGOT, EDWARD ANTHILL, RICHARD MORTON, WILLIAM WORLEY, JAMES LISPENASS. A SPEECE

A SPEECH OF Jam! Bernard ESQ. TO THE DUKE OF ALBEMARLE,

ON HIS APPROVING THE

ASSEMBLY'S CHOICE OF HIM FOR THEIR SPEAKER.

MAY IT PLEASE YOUR GRACE,

prefumed to speak to your grace in this capacity, which I esteem as the greatest honour of my life, could I have convinced myself whether filence or an ill speech had been the more pardonable crime; for, in their opinion, rather than question their judgment. I should have hardly clude the reafon is, because your grace is willing to acquiesce in THAT you confirm the choice of the affembly in their speaker, I conthis cafe, my lord, it is not enough to tay, in magnis voluise set est. ..

My Lord,

warriors, for both which your grace is eminent at home and in foreign majefty, whose goodness, like the fun, extends to the utmost corners of than by establishing wholefome laws on a firm foundation; for those extend to our posterity, and your grace remembers, that your glorious predecessors are no lefs renowned for being good legislators than great Amongst the multitude of favours conferred on us by his most facred his dominions, this last hath transcended them all, in permitting your grace to condefcend to accept of this government, who could have no other inducement but what the famous Roman faith, that a great fortune in abundance; and that no way can be better done can have nothing greater, nor a good nature nothing better, in itfelf, than to do good

I should never forgive myself, should I omit to mention that great example of conjugal affection, your most noble consort, who, contemning the danger of the seas and the alteration of climates to accompany your grace, hath made it evident that God hath endued her with a foul equal

both to us which the opulent kingdoms of Mexico and Peru could never arrive at, and even Columbus his ghost would be appealed for all the injuries to that of illustrious birth and husband. It is an honour done by you he endured here from the feverity of the Spaniards, could it but know that his own beloved foil was hallowed by fuch footfleps: but this, my lord, is too fublime a theme for me to expatiate on. I shall not longer detain your grace, but hope you believe our hearts are full of loyalty to his majesty, duty to your grace, and studious for the welfare of this island.

I do therefore, in the name of these gentlemen, humbly beg the pre-ervation of their privileges, freedom of debate, and accession to your your pardon of the errors of me their speaker, who wholly submits person, as your more arduous affairs will admit; and in particular, my himfelf to your grace's clemency.

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KING WILLIAM'S INSTRUCTIONS TO THE

EARL OF INCHIQUIN.

WILLIAM REX,

Given at our court at Whitehall, the 5th day of December, 1689, in the Instructions for our right trusty and right well-beloved confin, William, earl of Inchiquin, our lieutenant and governor-general in and over our island of Jamaica, and other the territories depending thereon in America: first year of our reign.

nor-general in and over our island of Jamaica, and other our territories island, viz.—Sir Francis Watson, knight, Thomas Freeman, Thomas Ballard, Thomas Fuller, William Ivy, John White, James Walker, John Burdem, George Needham, Peter Beckford, Peter Heywood, Thomas ITH thefe our inftructions you'receive our commission, under our depending thereon in America; whereupon you are to fit yourfelf with all convenient speed, to repair to our faid island; and, being arrived there, you are to take upon you the place and trust we have reposed in you, and forthwith to call together the members of our council in that great feal of England, constituting you our lieutenant and gover-

and governor-general as aforefaid, to be read and published at the faid mission, under our great seal of England, constituting you our lieutenant meeting; which being done, you are to administer unto each of the parliament to be taken, instead of the oaths of allegiance and supremacy, and the test, as an oath for the due execution of their places of trust; and also, as foon as conveniently may be after your arrival, you are to cause proclamation to be made in the several parts of our faid illand of your being commissionated by us our lieutenant and governor-general as aforefaid. And you are, with due and ufual folemnity, to caufe our faid commembers of our faid council, as well the oaths appointed

You are to communicate, from time to time, fuch and fo many of together with the charges and proofs against the faid persons, and the answers thereunto; and you are to fignify our pleasure to our faid council. or remain abfent for the space of two years, or the greater part of them, without leave given under our royal fignature, their place or places in our faid council shall immediately thereupon become void, and that we our inflructions to our faid council, wherein their advice and confent is that if any of them shall hereafter absent themselves without leave from you, or from the commander-in-chief for the time being, first obkained, mentioned to be requifite, as likewife all fuch others as at any time you and pleafure is, that the members of our faid council shall and may have that we be always informed of the names of the perions fit to fupply the vacancies that shall happen in our faid council, you are to transmit unto when any of them shall depart out of our faid island or become otherwife unfit, you are to fupply the first number of twelve persons by nominating others to us in their stead; and, in the choice of members of our faid council, as also of the chief officers, judges, assistants, and justices, you are always to take care that they be men of good life and well affected ple and much in debt; and you are not to augment nor diminish the number of our faid council, as it is hereby established, nor to suspend any of the present members thereof without good and sufficient cause; and, in case plantations, the names and qualities of any members by you put into the Our will and enjoy freedom of debate and vote in all affairs of public concern; and, names and characters of twelve perfons inhabitants of our faid illand, whom you shall esteem the best qualified for that trust; and so, from time to time, of fufpention of any of them, you are forthwith to transmit unto us, and will forthwith take care that others be appointed in their flead; and you us, and to the lords of our committee of trade and foreign plantations, the to the government, of good effates and abilities, and not neceffitous peoto our committee for trade and plantations, the reasons for your so doing, are, from time to time, to fend us, and our faid committee of trade shall find convenient for our fervice to be imparted unto them. faid council, by the first conveniency after your fo doing. You are to observe, in passing of laws, that the title of enacting the same by the governor, council, and assembly, be henceforth used, and

And our will and pleasure is, that you transmit authentic copies, un-

island, unto us and our commissioners for trade and foreign plantations, within three months, or fooner, after their being enacted, together with duplicates thereof by the next conveyance, upon pain of our higheft difpleafure, and of the forfeiture of that year's falary, wherein you shall, upon any pretence whatfoever, omit to fend over the faid laws and ordimade and in force, or which thall be made and enacted within our faid and ordinances, that are now nances as aforefaid within the time above limited. der the public feal, of all laws, statutes,

Our will and pleafure is, that no act or order be paffed within that our island, in any case for levying money or imposing fines and penalties, whereby the same shall not be mentioned to be referved to us, our heirs and fuccessors, for the public use of that our island, and support of the government, as by the faid act or order shall be directed. And we do particularly require and command, that no money or value the hands of the receiver of that our island until our royal pleafure shalls to our chief-governor, lieutenant-governor, or commander-in-chief, of our faid island, which shall not, according to the stile of acts of parliament in England, be mentioned to be given and granted unto us, with the humble defire of fuch affembly, that the fame be applied to the ufe and behoof of fuch governor, lieutenant-governor or commander-in-chief, if we shall so think fit; or, if we should not approve of fuch gift or application of faid money or value of money, it be then difposed of and appropriated to such other use as in the said act or order shall be mentioned; and that, from the time the same shall be raised, it remains in of money whatfoever be given or granted by any act or order of affembly be known therein.

You are not to permit any claufe to be inferted in any law for levying money or value of money, whereby the fame shall not be accountable unto us here in England, or to our commiffioners of our treasury, or our high treafurer for the time being.

upon oath, of all the receipts and payments thereof, which shall be transmitted here half yearly or oftener, with duplicates thereof by the And you are also to take care that fair books of accounts be duly kept, next conveyance, to the end that a due account may be rendered of the fame, and of the right application thereof unto our faid commissioners of our treatury, or our high treaturer for the time being, You are not to fuffer any public money whatfoever to be iffued or difposed of otherwise than by warrant under your hand by and with the advice and confent of the council, and not otherwife; but you may neverthelefs permit the affembly, from time to time, to view and examine the accounts of all money, or value of money, difposed of by virtue of laws made by them; which you are to fignify unto them as there shall be occafion.

ment of our faid island be made indefinite, and without limitation of time, except the fame be for a temporary end, which shall expire and have its law which shall be enacted by you, except upon very urgent occasions, Our will and pleafure is, that all laws whatfoever for the good governfull effect within a certain time; and therefore you shall not re-enact any but in no cafe more than once, without our express confent.

fider what may be fit to be proposed unto us for the fettling the current. ney within the government may be altered, without our particular leave Our further will and pleafure is, that you do not permit any act or order to pass in that our island, whereby the price or value of current moamaica, to conor order for the fame; and you are, upon your arrival in J coin of that island.

or otherwife, whereby our revenue may be leffened or impaired, without And you are particularly not to pass any law, or to do any act by grant. our especial seave or commands therein.

of ten pounds, before or after fentence given, nor dispose of any escheats, until you shall first have fignified unto us the nature of the offence, or occafion of fuch fines, forfeitures, or efcheats, with the particular furns or value thereof, which you are to do with all fpeed unto our commif-You shall not remove any fines or forfeitures whatfoever, above the furn fioners of our treafury, or high treafurer, for the time being, until you fhall have received our directions therein; but you may in the mean time fufpend the payment of fuch fines and forfeitures.

with, what other lands they may have, either in their own right or in right of others, unaccounted for, or by fuch other means as you, with the sents, and for the making a perfect rent-roll of the fame, by impowering our receiver general to administer an oath to all such as he shall account You are to take the most effectual care for the discovery of our quitadvice aforefaid, thall think most conducing to this service. In case any goods, money, or other estate, of pirates, or piratically taken, shall be brought in or found within our faid island of Jamaica, or taken on board any ships or vessels, you are to cause the same to be feized and fecured in the hands of our officers, until you shall have given us an account thereof, and received our pleafure concerning the difpolal You are to require the fecretary of the illand, or his deputy, for the time being, to furnish you with all fuch acts and public orders as shall be made from time to time, together with a copy or journal of the council, to the end the fame may be transmitted unto us as above directed; which he is duly to perform, upon pain of incurring the forfeiture of his office. You shall not displace any of the judges, justices, or other officers or ministers, within our faid island, without good and sufficient cause figurated unto us, and our committee for trade and plantations; and, to prevent arbitrary removal of judges and justices of the peace, you are not to express any limitation of time in the commissions which you are to grant, employments, nor shall you execute yourfelf, or by deputy, any of the faid offices, nor fuffer any perfon to execute any more offices than one with the advice and confent of the council, to fit perfons for those

You shall not erect any court or office of judicature, not before erected or established, nor distolve any court or office already erected or establishestablishments of jurifdictions, courts, offices, and officers, powers, authorities, sees, and privileges, granted and settled within our faid island, ed, without our especial order; and therefore you are to transmit unto us, with all convenient speed after your arrival, a particular account of all to the end you may receive our especial directions therein You are likewife, with the advice and confent of the council, to regulate all falaries and fees belonging to places, or paid upon emergencies, that they may be within the bounds of moderation, and that no other exaction be made on any occafion whatfoever.

We do thereby require and command, that no man's life, member, or freehold, or goods, be taken away or harmed under your government, but by established and known laws, not repugnant to, but as much as may be agreeable with, the laws of our kingdom of Ingland,

the members and officers of the council and affembly, all judges and juffices, and all other perfons that hold any office in that ifland by virtue You shall administer the oaths appointed by act of parliament to be taken instead of the oaths of allegiance and supremacy, and the test, to of any patent under our great feal of England, or our feal of Jamaica.

so they be contented with a peaceable and quiet enjoyment, not giving: You are to permit a liberty of conscience to all persons except papists. offence or fcandal to the government.

vided with arms, and they inlifted under officers, and as often as thall be thought fit mustered and trained, whereby they may be in a better readinefs for the defence of our faid island and territories under your command. You shall take care planters and christian servants be well and fitly proAnd you are to use your utmost endeavours that each planter do keep fuch a number of white fervants as by law is directed, and that they appear in arms at all fuch times as they shall be required.

reasonableness of remote marches, musters, and trainings, be an unnecest-And you are to take efpecial care that neither the frequency nor unfary impediment to the affairs of the planters.

ing in any of our magazines or garrifons in our faid island under your command, and fend an account of them forthwith after your arrival, You shall take an inventory of all arms, ammunition, and stores, remainand forward yearly unto us and our committee for trade and plantations.

information therein, you shall herewith receive an account of what hath, fince the month of December, 1676, been issued out or fent from the You shall likewife demand an account from our prefident and council Joff, decayed, of and to whom and to what uses; and, for your better how the arms, ammunition, and stores, fent from the office of our ordnance, in this our kingdom, or bought by any public money, have been employed; and whether any of them, and how many, have been fold, office of our ordnance. And, that we may be the better informed of the trade of our faid island, .

thereof, of all goods and commodities, their species and quantities, imwith you withal; and you are to transmit the same unto us, or to our pour are to take especial care that due, entries be made in all parts coming and going from the faid island, which the naval officer is to furhigh treafurer or commissioner of our treasury for the time being, and to our committee for trade and plantations, quarterly, and duplicates therethe next conveyance. You shall take especial care that God Almighty be devoutly and duly reved throughout your government, the book of common prayer, as by Inw established, read each Sunday and holiday, and the blessed facrament administered according to the rites of the church of England. You shall be careful that the churches already built there, shall be well and orderly kept, and more built as the colony shall, by God's blef-fing, be improved; and that, befides a competent maintenance to the take care that the parishes be limited and fettled, as you shall find most mon charge, for each minifler, and a competent proportion of land affigued to him for glebe and exercise of his industry: and you are to minifler of each orthodox church, a convenient house be built at the comconvenient for the accomplishing of this good work. Our will and pleafure is, that no minifler be preferred by you to any ecclefiaffical benefice, without a certificate from the right reverend father in God, the bishop of London, of his conforming to the doctrine and give order forthwith, if the fame be not already done, that every minif-ter within your government be one of the vettry in his respective parish, discipline of the church of England; and also, our pleasure is, that you and that no vestry be held without him, except in case of fickness, or that, after notice of a veftry funmoned, he absent himself.

government that preaches and administers the facrament in any orthodox fittance of the council, that good and fufficient stipends and allowances be made and afcertained unto the ministers of every parish within your to the faid bishop of London; and you are to endeavour, with the afchurch, without being in due orders, whereof you are to give an account government; and, to the end the ecclefialtical jurifdiction of the faid And you are to enquire whether there be any minister within your

school without your license first had; and you are to take especial care that a table of marriages, established by the canons of the church of may be, we do think fit that you give all countenance and encouragement, in the execution of the fame, excepting only the collating to benefice, England, be hung up in every orthodox church and duly observed; and bishop of London may take place in that our island, as far as conveniently to you our governor, and the commander-in-chief for the time being; and we do further direct, that no schoolmaster be henceforward permitted to come from England and to keep school in that our island, without the licenfe of the faid bishop of London; and that no other perfon, now being in Jamaica, or that shall come from other parts, be admitted to keep you are to endeavour to get a law paffed in the affembly for the firit obgranting licenfes for marriages, and probate of wills, which we have referved ervation of the faid table.

fettle fuch orders and regulations therein, with the advice of the council, judice of that freedom which commerce and trade ought to have, and to You are to suppress the engrossing of commodities, tending to the preas may be most acceptable to the generality of the inhabitants. You are to give all due encouragement to merchants who shall bring trade unto our faid island, or any way contribute to the advantage thereof, and especially to the royal African company of England; and, as we are willing to recommend unto the faid company that the faid island may rate rates, in money or commodities, so you are to take care that payment be duly made, and within a competent time, according to their agreehave a constant and sufficient supply of merchantable negroes, at mode-

or shall in any manner whatsoever bring any negroes into any part of your government, or purchase any other than such as are imported and contrary to our charter granted to the royal African company, or against brought in by our royal African company, their factors or affigns, you do, in all fuch cafes, take especial care that such contemners of our royal And we do hereby ftrictly charge and require you, that, upon due information exhibited before you, or any of our judges or courts of justice within your government, against any person or persons who have or shall be concerned in any interloping ship, or in any negroes or goods imported fuch as shall be aiding and aftiting to any interloper or their accomplices

charter and commands be feverely punished, by fine, imprisonment, or fuch other penalties as the quality of their offence may require. We do hereby command and enjoin you carefully to observe all the restraining of depredations, and the establishing of peace in America, concluded at Madrid the 18th of July, 1670, with the crown of Spain, articles contained in the late treaty for the composing of differences. an authentic copy whereof you shall herewith receive.

to any of our fubjects in those parts, by any of the subjects of the king of And in cafe any private injury or damage should happen or be done Spain, or of any other prince or state in amity with us, you shall take care to give us an account thereof, with all convenient speed, by one of our principal fecretary's of state, or the lords of our committee for trade and fought by any other way than what is directed and agreed on by the faid plantations, and not to permit or encourage reparation thereof to articles of Madrid or treaties.

And you are particularly not to grant commissions of war, or reprifals to any perfon whatfoever, against the subjects of any prince or state in amity with us, without our efpecial command.

judges of the fupreme court are to be prefent, to inform and affift the court, provided the fum or value appealed for do exceed three hundred Our will and pleafure is, that appeals be permitted to be made, in cafe of error, from the courts in Jamaica unto the governor and council in civil causes; at the hearing of which appeals any three or more of the pounds sterling, and security be first duly given by the apellant to answer fuch charges as shall be awarded, in case the first sentence be affirmed; vernor and council, that then they may appeal unto us in council, provided the fum or value to appealed for exceed five hundred pounds; and and if either party shall not rest satisfied with the judgment of the gothat fuch appeal be made within one fortnight after fentence, and good fecurity be given by the appellant that they will effectually profecute the fame, and answer the condemnation, as also pay such costs and damages as shall be awarded by us, in case the sentence of our governor and council be attirmed, fo as execution be not fuspended by reason of any fuch appeal

You are also to permit appeals unto us in council, in all cases of fines

imposed for misdemeanors, provided the fines so imposed amount to or exceed the value of two hundred pounds, the appellant first giving good fecurity that he will effectually profecute the fame, and answer the condemnation, if the fentence by which fuch fine is imposed in Jamaica You shall endeavour to get a law passed for the restraining of any inhuman severity, which by ill masters or overseers may be used towards their christian servants or other. And you are also, with the assistance of the council and affembly, to find out the best means to facilitate the conversion of negroes to the christian religion.

and building of public workhoufes in convenient places, for the employ-You are to recommend to the council and affembly the raifing of flocks, ing of poor and indigent people.

Andrew's parifh, in that our island, has been diverted from the intended use, our will and pleafure is, that you make enquiry concerning the same, And whereas we are informed that a donation, formerly made in st. and take care that the faid donation be rightly applied. You shall cause a furvey to be taken of all the confiderable landing places and harbours in the said island, and, with the advice of our said council, erect in any of them such fortifications as shall be necessary for the fecurity and advantage of the faid island, which shall be done at the public charge, not doubting the chearful concurrence of the inhabitants thereunto, for the common fecurity and benefit they will receive thereby.

perfons now exercifing them, and to report thereupon unto us, and to Whereas we are given to understand, that there are feveral offices within our faid island, granted under the great feal of England, and that our fervice is very much prejudiced by reason of the absence of the pain their flead, you are therefore, upon your arrival in Jamaica, to inspect the faid offices, and to enquire into the capacity and behaviour of the our committee of trade and plantations, what you think fit to be done of the faid patentees, or their deputies, fufpend them from the execution of their places, till you shall have represented the whole matter unto us, tentees, and by their appointing deputies not fitly qualified to officiate or altered in relation thereunto; and you thall, upon mitbehaviour of any

and received our directions therein, appointing in the mean time fit perfons to execute the faid places; and you are to confider of a law like unto that in Ireland for abfentees, that the inconveniencies arifing thereby may be avoided.

having been reprefented unto us, by the petition of Thomas Daniel, mafter of the ship St. Jago de la Victona, that the faid ship, with all her lading, hath been seized and conficated in Jamaica, upon pretence of having traded contrary to acts of trade and navigation, our will and plealading, accruing to the governor and council, be fecured in the hands of our receiver-general in Jamaica, until the determination of the faid ap-You are likewife to propose an act to be passed in the assembly, whereby In which cafe, you are to give order that authentic copies of the records and proceedings in the faid cafe be transmitted unto us, with fuch information as shall be taken therein, upon oath; and we, being further pleased to remit to the petitioner fuch part of the ship and lading as, by the schedule given in Jamaica, is accruing unto us, and we do hereby the creditors of perfons becoming bankrupts in England, and having estates in Jamaica, may be relieved and fatisfied for the debts owing to them. It commander-in-chief and council, who are to give judgment in the caufe according to right; after which, if the petitioner shall defire to appeal from the judgment of our faid governor or commander-in-chief and fure is, that the petitioner be admitted to appeal from the fentence given council, unto us and our privy council, you are to admit him thereunto: remit the fame; you are to take care that the two other thirds of the peal; and, in the mean time, you are to cause the said ship to be delivered to the petitioner or his procurator or attorney, upon his giving fecurity for the value of the two-third parts of the faid ship, accruing to the goin Jamaica, against the faid ship and her lading, to our governor and vernor and informer as aforefaid.

Whereas it has been reprefented unto us, that feveral of our fubjects are kept in flavery, and barbaroufly ufed at Mexico, La Vera Cruz, and m iica, to fend to the governors of those places, and to demand of them other parts of the Spanish West-Indies, you are, upon your arrival in Jafuch of our fubjects as are detained there, and to use your utmost endearours that they be fet at liberty.

We do hereby authorife you to forbear, if you shall think fit, the

that affair unto us, by one of our principal fecretary's of flate, or the lords of our committee for trade and foreign plantations; which you are them from the fame, until you shall have represented the true state of fent planters or inhabitants of our faid island, for not manuring or planttaking advantage of any penalty or forfeitures against any of the preing of their lands, according to the time heretofore limited or appointed accordingly to do, with all speed, in order to receive our further commands and directions therein.

ported, have fet out to him, upon the landing and employment of the faid fervant, thirty acres of land; to have and to hold, unto him the faid transport or carry fervants thither shall, for every person so carried or transmafter his heirs and affigns, for ever; and the faid fervants shall, at the ported to our faid island, shall serve their respective masters for the term of four years, from the time of their landing, and every perfon that shall end of the faid term, have thirty acres of land fet out and affigned to Our will and pleafure is, that all fervants that shall come or be tranfevery of them respectively, to have and to hold to them and every them their heirs and affigns for ever.

arrival in Jamaica; and that you cause to be paid out of the said revenue, unto the chief-justice, one hundred and twenty pounds per annum, and to the other judges, as also to the marshal, and clerks of the af-Our will and pleafure is, that you take unto yourfelf, as governor, two thousand pounds sterling per annum, out of the revenue arising within our faid island of Jamaica, from the day of your arrival, and during your refidence there; as also what shall be due to you out of the faid revenue, after the rate of one thousand pounds per annum, from the date of your commission, to the day of your arrival; and that you cause to be paid to our trufty and well-beloved fir Francis Watfon, knight, if the fame be not already done, fuch fums as hath been due or accrued to him as president of the council, after the rate of five hundred pounds per annum, from the day of the death of the duke of Albemarle to the day of your To the captain that commands the fort there, fix shillings per diem, and fembly, and other officers, the feveral allowances belonging unto them: to the gunners matrofles what has been formerly paid.

And we do further direct you, upon your arrival in that our island, to

from the time of his taking upon him the prefidentship of the council, in order to the fignification of our pleafure, whether the further fum of marle, shall be allowed to him, in confideration of his fervice, of our enquire into and examine the behaviour of the faid fir Francis Watfon, five hundred pounds per annum, from the death of the faid duke of Alberroyal bounty.

fupport of our government of Jamaica, by fetting apart fufficient allow-ances to fuch as shall be our general or commander-in-chief, refiding for him, for his better maintenance, and for the support of the dignity of And whereas we are willing, in the best manner, to provide for the the time being within the fame; our will and pleafure is, that, when it of your falary, and of all perquifites and emoluments whatfoever, which otherwise become due unto you, shall, during your absence, be paid and satisfied unto such governor and commander-in-chief who shall be resident upon the place for the time being; which we do hereby allot unto shall happen that you shall be absent from that our island, one full moiet that our government. And whereas great prejudice may happen to our fervice, by the absence of our governor or commander-in-chief, without fufficient cause and eftence whatfoever, to come into England from your government, without having obtained leave for fo doing from us, under our fignet and fign mapecial leave from us; for prevention thereof, you are not, upon any prenual, or by order in our privy council: but we do neverthelefs hereby permit you, in case of sickness, to go to any of our plantations in America for the recovery of your health.

We do hereby empower you to confent to a law for the raifing of money, in order to the better carrying on the folicitation of the public affairs in England, provided that fuch levy do not exceed three hundred pounds iterling yearly; but, in case you shall not think fit to agree to fuch law, our pleasure is, that then the persons desiring the same may be permitted to make voluntary contributions for discharging the expences of their folicitations, provided fuch contributions do not exceed three hundred pounds fterling per annum. And we do likewife think fit, that, when any complaint shall be intended against you, notice be immediately given you thereof by the complainant, with the charge against you in writing, to the end you may make timely preparation for your defence. In cafe of any diffress of any of our plantations, you shall, upon application of the respective governor thereof unto you, assist them with what aid the condition and fafety of our island under your government can spare. Laftly, if any thing should happen that may be of advantage and security to the faid island, and the other territories depending thereon, which is not herein or by our commission provided for, we do hereby allow unto you, with the advice and consent of the council, to take order for the present therein, giving us, by one of our principal secretary's of state, and our committee for trade and foreign plantations, speedy notice, that so you may receive our confirmation, if we shall approve the same; provided always, that you do not, by colour of any power or authority, hereby given you, commence and declare war without our knowledge and par-

By his majefly's command,

SHREWSBURY.

AN

AN ADDRESS OF THE GRAND JURY OF JAMAICA

TO THE KING.

MAY IT PLEASE YOUR MAJESTY,

illand, which flould have been our fwords and spears for the defence of TE, the first grand jury at St. Jago de la Vega, this last Tuesday in November, 1690, for the body of this your majesty's island of religion, laws, and liberties, were taken from us, he was pleafed, in our nions; fo that the laws of your majefty's kingdom of England, and this Tamaica, in America, fince your majefty's happy accession to the throne, estimable goodness and mercy, in that when, according to the weak-ness of our human understanding, all hopes of enjoying any longer our utmost distress, to shew his miraculous power in raising your majesty to be the glorious instrument of our deliverance from that Phillittine bondage, which had extended itfelf into thefe the remoteft of your majefty's domiour tafk-mafters, with an abfolute arbitrary power, attended with a tyranplete our ruin, would not allow us our freedom of electing our reprefentatives to make laws, but were refolved themfelves to be fmiths to forge them. cannot forbear rendering our humble thanks to Almighty God for his innical oppression of all that durst adventure to be honest, in order to comour natural rights and privileges, were not to be found amongft us;

Under these circumstances, we might still have lain, had not your majefty, in your great wifdom, fent his excellency, the earl of Inchiquin, for our governor, who hath already, by his great experience, made for large a progrefs in fettling our affairs, that we doubt not but he will in a flort time accomplish what is so happily begun.

The confideration of the removal of all these afflictions, which, next of your majeffy's fucceffes at home, unfeigned thanks for your majeffy's prosperity and glory; not doubting that, as our Saviour hath made you his great apostle for restoring his church in this age, he will enable you to establish it upon him, the rock that neither the pope, with anti-christian to the divine providence, we must acknowledge to be due to the extraordinary courage and admirable conduct wherewith God hath infpired your extraordinary care of thefe your dominions abroad, and inceffant prayers principles, nor his disciples, with their subtle delusions, shall ever impimajefty, forceth from the bottom of our hearts an humble congratulation to the Almighty for the ever continuance and increase of your majefty' oully endeavour to prevail against it.

AN ADDRESS OF THE GRAND JURY OF JAMAICA GOVERNOR. THE

MAY IT PLEASE YOUR EXCELLENCY,

wifdom, in felecting your excellency as a phyfician, every way fufficient for the extraordinary diffempers of this late miferable, but now happy, E, the grand jury for the body of this their majeffy's island, being thoroughly fenfible of their majefties special favour and high own your excellency's goodnefs and care in removing from the feats of ledge the progrefs your excellency has already made, towards fixing us in lafting foundations of peace and juffice; and, where the administration island, have thought ourfelves obliged humbly and thankfully to acknowjustice the late arbitrary instruments of our oppression, as well as filling them with magistrates which now at last will only be a terror to the evil; and we are confident that the remaining precincts of this island, which, by reason of the great variety and intricacy of their affairs, could not by your excellency (that is not by the greatest application imaginable) be yet supplied, with affairs civil and military, will, in due time, join with us in an harmonious applause of your excellency's conduct and good is entirely just and happy, we may have leave to instance, we gratefully government.

A SPEECH OF THE EARL OF INCHIQUIN TO THE ASSEMBLY OF JAMAICA.

GENTLEMEN,

Vernment, I thought it my duty to use my utmost endeavours in the promoting of his fervice, and the interest of his subjects here, which I take to be inseparable; therefore, finding at my arrival that, through the want of a due exercise of the law, and that, by the practice of some turbulent spirits, you were in some distractions, I applied myself as early laid you open to all the evils that could happen to a place and people as I could to the repairing of the breaches they had caufed, and which for whom I know the king has a great value, and whole fervice and real advantages shall be the chiefest of my study. CINCE the king was pleafed to honour me with the truft of this go-

much as in me lay, but what progress I have made in it, will be best known among yourselves; I hope it wont appear to be inconfiderable, by letting the world see you lay aside all private piques and animosities, to its due courfe, as foon as it could be; in the others, I have laboured as The first of those breaches was repaired by the law being restored to promote the public and general good of the island

I had not been here many days, when I found you had fuch degenerate neighbours as might reafonably give apprehentions of ruin and defiruction to the fettlements near the fea-fide, and that you know affects the whole; but, when I think of giving them the protection they ought to have, I find a treasury exhausted, and a government greatly incumthat can be imagined; fome instances you have of it, by these walls I receive you in, amongst many other things which shall be offered to you bered with debts, infomuch that it now lies under the greatest exigency

But, gentlemen, fince, for your own prefervation, the general wel-fare, as well as the honour of the island, and their majestics immediate fervice, no cure can be had but from you in this distemper, I will make no doubt of your taking those measures by which one may effectually be wrought, especially when you consider the difference between your con-Belides a great dition, and that of their majesties subjects in other parts.

you of: New England at great expences in the late expedition, and in-great danger from their ill neighbours: New York not long fince under deal of blood that has been flied in and about England, there has been the vaffest expences of treasure that ever were heard of in that nation: fuffered? Many of these are now wandering and seeking for new places of abode, whilit you fit under your own vines, and reap the fruits of your Scotland almost ruined by rebellions and distractions, arising from difference of opinions: the deplorable condition of Ireland I need not tell great oppression by the usurpation of the government: in Maryland and Virginia, rifing and differences between the governors and the people, to the great disquiet of both, and the uncasiness of the government at home: what have not the inhabitants of St. Christophers and the other illands labour, without any confiderable diffurbance. Do you do what shall be requifite on your part, and nothing shall be wanting on mine that can contribute to it.

your confideration the making an act, whereby the creditors of perfons becoming bankrupts in England, and having effates in this island, may be relieved, and the debts fatisfied out of the fame; and, likewife, that, for raifing of three hundred pounds per annum for the folicitation of the fame in England. The last is estentially necessary, that the public affairs Gentlemen, I am commanded by the king to offer and recommend to for the better management of public affairs of this island, a law be passed may fuffer very much by the want of it; therefore, for your own fakes, I will hope for your concurrence in it, in the fame manner as it has been formerly allowed of.

me as ready, as far as in my power lies, to confent to fuch laws as you shall propose for the redressing them, as you can be to ask it; for I know the king intends you all the kindness you can reasonably desire, and therefore I hope you will, and must command that you carry yourselves and valour, has redeemed our religion and our liberties, by breaking the Gentlemen, some grievances that you have lain under have been removed fince my coming among you; if any yet remain, you shall find toward him in your debates, as well as upon all other occations, with all the duty and refpect that is owing to a prince, whose picty, wildom, meafures of them who defigned the ruin of both. Thefe, gentlemen, in my judgment, are the ways for you to become a happy people, and whenever you are fo, I shall think myfelf a happy governor among you.

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A SPEECH

A SPEECH OF THE EARL OF INCHIQUIN

TO THE

ASSEMBLY OF JAMAICA, AT THEIR DISSOLUTION.

GENTLEMEN.

due meafures for your own prefervation in this troublefome time of THE chief ends of my calling you together were, that you might take war, and the indemnifying of the inhabitants of this island, who have your own laws; and to lay before you the exigency of the government, in hopes you would have taken it fo far into your confideration as to have enabled me to do fomething for your protection, and towards the dif-charging of near eight thoufand pounds debt, incurred upon that account, pounds, towards the maintaining of a floop, and repairing the loffes of fuffered by the invafions of the enemy, which you are bound to do by most of it before my coming to the island, and some since: You have indeed passed a bill for raising sour thousand seven hundred and eighty odd in a matter the king had taken into his confideration, which I take to be a great difrespect to him; that it entirely takes away his revenue, there not being any mention made, that I can hear of, in seven or eight weeks time that you have fat, for what was granted to the crown by the one it pass, would, in my judgment, be highly prejudicial to the kingdom of England and this island, it being the greatest blow that can be given to trade, which is the life of this place, and I am bound to encourage and the fufferers; but, as it were in the fame breath, you vote and pafs a bill a mediage I fometime fince received from you, that you had once read and padied a bill for raifing a duty of forty shillings per head on negroes The first is absolutely repugnant to the commands I have received from the king, and, should And now you fend me a medage to defire the the preventing others from falling under the fame calamities; but that expediting of two bills, the one tending to the defruction of the government, the other to the affronting of me, neither of which, in my opinion, require fo much hafte as that for the relieving of the poor fufferers, and and twenty years bill, or of any equivalent for it; only I understand, exported, and fomething upon wine imported. protect, and will do it.

that juffice and charity, which you have, by these measures, withheld from your poor neighbours; but that God, which is a God of justice as well as mercy, will avenge the cause of the poor on them and theirs of it, which you vouchfafed to anfwer only with another meffage. This is fuch a way of proceeding, that I cannot, in behalf of the king, of the government, all traders, and the generality of the planters, (who I have You may itand in need of bill, it feems, you think fit to lay afide till you fee what I will do with the others, though yesterday I fent you a message to press the expediting a very good opinion of), but highly refent. who have been the oppreffors of them. When I came to this island, I found a slame kindled among you, which I took fome pains to quench, and had in a great meafure done it; but, fince your meeting, I find fome turbulent spirits have added new fuel; therefore, to prevent the increase of a fire that may be fatal to the island, and am perfuaded of their being very well affected to the government; fince I cannot fay fo much of the major part of you, I think it neceffary, in the king's and queen's names, to diffolve you, and you are hereby though you have a speaker and several others among you I highly effeem, accordingly diffolved. But now I have further to fay to you, gentlemen, that, fince you did not think it fitting to make a congratulatory addrefs to fo gracious a king as you have, it is not fit for me to receive one from you; therefore, there's your addrefs again.

And it was thrown at them with fome contempt.

July 30, 1691.

PRESIDENT AND COUNCIL OF JAMAICA, AN ADDRESS OF THE TO THEKING AND QUEEN.

king and queen, of Jamaica, in America, ford and lauy, defenders of To their most excellent and most sacred majesties king William and queen Mary, by the grace of God, of England, Scotland, France, and the faith, &c.

THE HUMBLE ADDRESS OF YOUR MAJESTY'S PRESIDENT, AND THE REST OF YOUR MAJESTY'S COUNCIL, OF JAMAICA AFORESAID.

Mos dread fovereigns,

CINCE, by the death of your majefty's late governor, and want of a commander-in-chief of your majefty's ifland aforefaid, and the efpecial truft and confidence your majefties have been pleafed to repose in us, the government thereof is now devolved on us, your majefties most humeffies fubjects, and the many great and marvellous things your majeffies of your majefties princely care and particular providence of this place, ble, loyal, and obedient, fubjects; we, therefore, in the deepeft contemplayour majesties most transcendant goodness towards all your mahave not only attempted, but brought to pass for us, and more especially ready to do, which is the laying down our lives and fortunes at your facied majesties seet, in defence of your majesties royal persons, prerogative, gomost humbly befeech your majesties, instead of what we owe, but can never perform, gracioufly to accept of what we can and are willing and your majefties great and ourfelves happy.

Most gracious fovereigns,

We have great reason to fear, that we unhappily labour under your annul the laws made in the late defpotic reign and government; but most humbly hope, and heartily implore your majefties, that no mistaken methods or unfuccefsful meafures may eclipfe and darken the royal beams of your majefties most gracious tavours, which have hitherto shone fo illufaffembly, as they represented the communion of the island, to repeal and majefties most gracious displeasure, through the endeavours of the

greffing and annulling our laws, liberties, and cuftoms, and the introduction of religion, which was contrary to law was endeavoured on us, thall be fully to far advanced by your majefties, by annulling those laws, than the real truth of the violation of the freedom of our elections and the often tranfproved and made appear before your most gracious majesties in council. and the reft of your majefties fubjects belonging to this your majefties island, with all manner of fubmission, duty, and respect, most humbly liberties, and cuftoms, have been transgreffed and annulled, and a religion your majesties, whom it hath pleased God to make the glorious instrument of our deliverance from popery and arbitrary power, that your majetties will be gracioufly pleafed to favour us with an hearing before your maje fties in council against the unfree elections and proceedings of that affembly, in that your majeffies will in no otherwife perfect our deliverance, to be your majefties royal opinion in your majefties most princely declaration, at your majefties most happy arrival, that it is most certain and evident to all men, that the public peace and happiness of any state or eceding the limits of the law, and represent to them the reasons that infurther confirmation thereof, in the first year in your august reign, have been graciously pleased to pass it into a law, that it is the right of the fubicet to petition the king; and elections of members of parliam nt ought to be free, and excefive bail ought not to be required, nor exceffive fines imposed, nor cruel punishments inflicted; and that jurors ought prefume ourfelves within the bounds of your majefties royal grace, favour, and protection, and in the most humblewife, in behalf of ourfelves beg leave to lay before your majefties how much and wherein our laws, contrary to law endeavoured to be introduced amongft us, and why we cannot with due cheerfulness fubmit to their laws; and most humbly befeech made it impossible for them'to obey their orders; and that your majesties, to be duly impanelled and returned; we, in all humility, most humbly ligion which is contrary to law is endeavoured to be introduced; and that if in this our western hemisphere; and, since it appears to the world kingdom cannot be preferved where the laws, liberties, and cuftoms, effablished by the lawful authority in it, are openly transgreshed and annulled; more efpecially where the alteration of religion is endeavoured, and a recannot be pretended that any kings ever reckoned it a crime for their fubjects to come in all fubmiffion and refpect, and in due number, not exAnd, according to our duty and interest, we shall always pray for your majefties long and profperous reign over us.

INSTRUCTIONS TO Mr. HEATHCOTE, &c.

FROM THE

COUNCIL AND ASSEMBLY OF JAMAICA.

SIRS,

L generous foliciting our affairs at court, hath encouraged us to defire the continuance of your endeavours in the like nature for the future, in THE general fatisfaction this island hath received of you, by your which you have already fo exceedingly fatisfied and obliged us. You will herewith receive the copy of an act, which their majeffies have been gracioufly pleafed to promife their royal affent unto, entitled, An all for foliciting the affairs of this illand in England, in the body of you have been chosen, and therein named, to be our folicitor at the court for obtaining, from time to time, fuch matters as shall occur which, by the unanimous confent of us, the council and affembly for the benefit of this island in general. lamaica,

And it is our request to you at prefent, that you folicit the confirming fuch laws as are herewith fent you, passed here by their majesty's lieutenant-governor, the right honourable fir William Beeston, and such others as shall be hereafter transmitted unto you,

That you endeavour to prevent the confirming of the laws paffed here in the government of the late duke of Albemarle.

That, in the best manner you can, you will please to prefent our addreffes to their majefties. That, as much as in you lies, you will encourage a trade for Scotland, that we may have white people from thence, as also cloathing and provisions necessary for them, and also a trade with Wales may be obtained for white people, provisions, and liquors. That you use fuch measures, as to you shall seem expedient, for the sending us servants and freemen, especially tradesmen, and remind their majefties of one hundred men the king was pleafed to promife fir William Beefton, upon his coming to this government. And that you fend copies for the encouraging the importation of white people into all countries that you shall think fervants and others may be •btained from, whether home-bred or foreigners. That you endeavour to procure as many merchant-men yearly as pof-fibly you can, whereby the product of this illand may be better remitted home, for the encouragement and increase of their majesties customs, and the planting interest of this island.

the island, to prevent the many depredations and robberies daily com-That you get two or three fmall light frigates, that can go into fhoal water, and can follow the enemies barqua luengos, to cruize to and from mitted about the coasts of this island; and that the commissioners of the navy fend timely supplies of provisions, ammunition, and stores, for the frigates and tortifications; and that there be also supplies of men for the frigates, feafaring men running away, and fome dying; and to lay before the commissioners the great inconveniencies of pressing out of merchantmen abroad, by which means many are laid up and loft.

mand of the governor refiding here, and no other perfon in America, otherwise their majesties service will be obstructed for want of a good That what frigates are fent hither may be under the direction and comcorrespondence and fit directions. That you endeavour to prevent the passing again the additional act if the parliament should have thoughts of reviving that, or any other of the like nature. dpon fugars,

hipping; and that, if the company's patent be confirmed, you folicit their majefties that they fend hither yearly three thousand negroes, to be fold to the planters of the country, before the Spaniards be fupplied with That you oppose the contrivance of the royal company's planting of indigo at Gambo, and those coasts; which, if it should obtain, would prove much to the difcouragement of this island in planting, trade, and

ed, and leaving to the planters only the refuse, which must of necessity any, the affento now picking out all the choice negroes that are importruin them and difpeople the country.

veffel that shall bring from Scotland or Ireland any commodities, though That you folicit the parliament to hinder the seizure of any ship or prohibited in the acts of navigation and trade, as cloathing, candles, &c.

ties, and the inconveniencies that happen to the rest of their majesties plantations, by New England, New-York, Carolina, Providence, &c. entertaining and encouraging pirates; whereby all profligate fellows flock thither, to be encouraged and fitted out for the Red and South Seas, where they daily commit piracies and murders; and, although an act has paffed here to pardon debtors, and fome fort of offenders, yet treason and That you discover to the lords the great dishonour done to their majefmurder is therein excepted. That you also get some settled order to be made by the navy board, provisions, and careening, their majesties ships of war; elfe nobody will the better to fecure the payment of the bills charged bence for the fitting, furnish them, and the ships will be unserviceable. And humbly to put their majesties in mind of one thousand pounds the building their majefters forts here, we having already almost expended king was pleafed to promife our governor towards the reparation and our all for the fecurity and defence of this island.

We fend youthefe heads, as general inftructions for you, to folicit for this island, and pray to note private and peculiar complaints be folicited for or against any private or particular persons of this island, but that all solicitations be made in their proper places for the public good of this illand. And, that there may never want a fupply of able and proper persons to solicit our public affairs in England, we have agreed here, that yourselves, whom you believe to be most proper in case of the death, absence, or refusal, of either or any one of you, shall choose such others as may be fitting and proper for fuch folicitations.

And, upon any emergent occasions that may happen here, and where

thefe infructions do not fully direct you, we defire you to follow fuch as shall be given by the honourable Samuel Bernard and Nicolas Low, James Bradthaw, William Hutchinfon, Thomas Clarke, James Banifler, and Modyford Freeman, efquires.

plantations, how detrimental it will be to their majefties and their fubjects to make any new fettlements in any part whatfoever, when those already fettled are too large for the people, whereby every place becomes fo weak We pray you to reprefent to their lordflips of the committee of trade and that they may become a prey to the enemy. That you take care, as much as in you lies, so to prevail with their lord-fines that our council may not be made more numerous than hitherto has been, our people being decreased; and, if it should be done notwithstanding, you make it your endeavour that no less than half the number be a quorum.

Paffed the council,

ANDREW LANGLEY, Speaker.

EDWARD BROUGHTON, Clerk to Council.

HPS

A SHORT

IN RELATION TO THE ASSEMBLY AFFAIRS OF JAMAICA; A SHORT ACCOUNT OF THE

CALLED BY THE

DUKE OF ALBEMARLE, IN 1688;

WITH REASONS WHY THE LAWS MADE BY THAT ASSEMBLY SHOULD NOT PASS.

members, viz. Salus populi fuprema lex, and the faid affembly justifying and protecting the faid member, they were diffolved, and that member the faid words; whereas his prefent majefty, being informed, was pleafed placed, without any cause assigned; and particularly the provost-mar-shal, whose office is to make all the returns for the assembly, and one affembly, which was duly elected; but Needham, one of his advifers, having and truly charged words fpoken in the affembly by one of the to vacate that unjust fentence. After the diffolution of the faid affembly. the judges and most of the principal officers in the faid island, were difwas forced to give a hundred thousand pounds security to appear and render himself in England, wherein seven of the principal inhabitants cognizance, and was afterwards indicted and fined fix hundred pounds for Waite an indigent person put in his place; one father Churchill, a Romish priest, being a bufy man in these regulations: and colonel Molesworth were bound, who thereby became obnoxious to the duke and his advifers; was taken into cuffody, and forced to enter into four thousand pounds re-THE late duke of Albemarle, at his first arrival in Jamaica, but that bond was afterwards vacated by the late king.

making troopers, fervants, feamen, and difintereited perfons, freeholders, and carrying them from place to place to vote, and putting the names That a new affembly was called by the duke, and the freedom of the of feveral persons to papers of elections, and by imprisoning divers confielection for members to ferve in the faid affembly was then violated, by

derable gentlemen, upon pretence of a riot at an election; imposing fines chief-juffice telling the people in open court they should be ruled with rods of iron, which caufed many of the best and ableit by these griev. on them to the value of two thousand two hundred and forty pounds, imprisoning and threatening to whip two gentlemen, viz. Mr. Glosle and Antill; only for moving for a habeas corpus for their friends, when they were committed; and making doctor Rofe give ten thouland pounds fecurity, only for words spoken concerning the election, and of the new ous oppressions, to get privately from thence to England, to feek protection there, the people were frighted.

affembly as he pleafed, and by indirect means, those that were the fitter The new made provoft-marshal made such returns of members of the to ferve the king and country in the affembly, and fuch as the true electors had and would have, were kept out. This affembly made feveral laws, which were fent to England to be laws, and the illegality of the faid affembly, to the next affembly in the citor; but that king having withdrawn himfelf, father Churchill durft not appear. Yet these laws were presented to his present majesty by another person, against the passing whereof all persons concerned in Jamaica were confirmed by king James, and father Churchill came over there as foliheard by the counfel learned in the law before his majefty, who, as they understood, was graciously pleased to remit the consideration of the faid faid island; and feveral of the wealthiest inhabitants, with a great many witnesses, who came from Jamaica, did return thither.

made fenfible of the faid irregularities and oppreffions, were pleated to reflore the judges and all the principal officers to their refpective places That the late king James and his prefent majeffy, being informed and wherein they were, when the duke of Albemarle arrived at Jamaica, and remitted the unreafonable fines imposed touching the matters aforefaid. That, upon the lord Inchiquin's arrival, another affembly was called and lord Inchiquin, as governor, a bill to the laws made by the above menduly elected, whose first business was to draw up and prefent to the faid tioned duke of Albemarle's affembly.

By all which it fully appears, that it is unanimoufly defired by all the people of and concerned in Jamaica, that the faid laws should not pass. And they, having joyfully beheld his majeffy's glowious undertaking. tions, they do humbly hope his majefly will be gracioufly pleafed to hear their petition, and not to pass the faid laws, or at least suspend the fame, until the petitioners can have the depositions of their witnesses from Jamaica, to which place they returned fince the petitioners first application against the faid affembly and laws. right, and in particular to the important affair as to the freedom of elec-

AN ADDRESS OF THE

COUNCIL AND ASSEMBLY OF JAMAICA, TO THE KING AND QUEEN.

To the king and queen's most excellent majestics, William and Mary, by the grace of God, of England, Scotland, France, and Ircland, king and queen, and of Jamaica lord and lady, defenders of the faith, &c.

THE HUMBLE ADDRESS OF THE COUNCIL AND ASSEMBLY OF ISLAND OF JAMAICA.

May it please your majesties,

THE great and dreadful calamities this ifland has of late fuffered under, but your majesties, to whom, under God, the greatest part of Christenhad obliged us to feek a new habitation, had we been subjects to any dom owes its prefent profperity.

Sir.

It has pleafed God to make your illustrious ancestors, whose virtues are complicated in your fingle perfon, the infruments of his grace and favour to the nation in which they lived, to deliver them from tyranny and oppression, and to procure to them peace and plenty. And we have feen three kingdoms refcued by your majeffy, at a time when there was no ground to hope for human affittance; and one of them, whose miferies have been equal to our own, though not brought to pass by the same means, restored to a sirm peace, and in all likelihood of flourishing as well as ever. This gave us the affurance, that, when it pleafed God to flay his hand from punishing, yours would be applied to healing, and that this island, of fo great concernment to your majefty, would quickly revive under your royal influence. Nor were we in the leaft mistaken, since it was your first care to fend us a governor, who, by the share he has had of our sufferings, is rendered the fittest person to effect the recovery of our misfortunes.

majesties, and shall, by our future behaviour, endeavour to evidence to the world our fense of your majesties goodness, and our happiness under your auspicious government, which we beseech the Almighty to continue long over us, and grant that such success may always attend your arms as are due to so just a cause as he has been pleased to engage you in. For this your grace and favour, and the feafonable fupply of ships, arms, and ammunition, we most humbly prostrate ourselves before your

A NARRATIVE

A NARRATIVE BY SIR WILLIAM BEESTON,

OF THE

DESCENT ON JAMAICA BY THE FRENCH.

Brief account of what happened in their majefties island of Jamaica, during the time the French were preparing to attack that illand, and remained upon and about it in 1694; in which I shall be obliged to make fome fhort digreffions, because I shall have occasion, in this relation, to mention fome perfons, without which all things will not otherwise be fo well understood. Privateering having been for fome years paft difcountenanced in this island, and encouraged amongst the French at Hispaniola, many of our faction, and being in debt, ran away to them; by which means they were people, who cared not to lead any other fort of lives, went over to them, by times became their people; others, fome Roman catholics by religion, fome of the Irish nation, some much inclined to think they were obliged that way to ferve king James, and others through diffatisfirengthened, and we were weakened. The chief of these rogues was one Grubbin, who was born here of English parents, and who, knowing all parts of the island, has done much mischief, by landing in the night upon lone settlements, near the sea, and robbing them of all they had, and away again before any notice could be given for any strength to come against him.

have him apprehended; after him I fent warrants all over the island, but was to go to Curraçoa to get failors (whither many of our feamen had reforted, because they would not be pressed into their majesties ships) for a Stapleton and Lynch, two Irishmen, who have, since my coming hie Morant; the other, I guefs, came in a floop for a fpy to him. I tendered the oaths, but he refused them, and got out of the way before I could major Kelly found a way to fend them off in a floop, that he pretended ther, proved very inveterate; the first came from the windward islands, and brought his wife and children, and was kindly received about Port-

of indigo, and fent it privately, contrary to the act of navigation. And, about this time, he was killed alone by the French, who had landed a party at Cocoa-Bay, to plunder thereabouts, as he was riding up to Port-Morant to dispatch this floop. Soon after the floop failed, and these two in requittal to him for his kindness, ranaway with the floop fince informed, told monfieur Ducafs, the governor, that this island was great Dutch ship he had brought here, and probably that was part of his defign; but he put in the floop about a thousand two hundred pounds worth and all the indigo to the French; and there thefe men, as I have been eafily taken; the fortifications at Port-Royal were out of order, and few dred more would march in any part of the country, the people were for thin and fo little used to arms; and Stapleton wrote to his wife, who he had lodged near the sea, in St. Thomas sparish, to that end, that he would come and setch her and some company, meaning negroes, with her; and other discoveries he made therein, but by chance the letter came to my hand, and I secured his wife, for she was their majesties liege subject. men there, fo that two hundred men would take that place, and two hun-

Some time in April, one captain Elliot, whom I shall have occasion to mention, was fent in the Pembroke floop, with a cargo of eight or ten thousand pounds, to trade upon the coasts of Carthagena and Porto-Bello; and there, in a bay, was taken by two French privateers, and carried to About the fame time, with much ado, I had got the Falcon manned, and, to keep off the small privateers that landed often in several places of the out-ports, where the settlements were thin, and did much mischief to the people, I gave orders to captain Bryan, the commander, to cruife about feven or eight leagues to the windward of this island, to prevent them what he could from coming down upon us; which he performed with great diligence, and made two or three cruifes there; but, about the middle of April, met with fix privateers, who had aboard them five hundred men, who were defigned to land at St. Thomas's and St. David's, and to a council of refused, and said at best they should get only broken bones, and spoil their men for any other design; on which they all ran and out-failed the heard after major Beauregaurd, who commanded, called a council of war, and would have fought the Falcon, but the captains of the privateers Falcon; but there was with them a ship that they had taken the day berob those parishes: Towards these the Falcon made fail; on which, as

it. Alfo, there they took a floop belonging to one captain Robinfon, and to have protection; and as it was a stated agreement between Duca's and myself, that what of their nation were with us, and defired to continue here, I would have had her gone with monfieur Lepafs, who came here to exchange the French prifoners, but the refused, and by the agreement about the fame time, other privateers had been at the northfide of this their veffel, ftripped her to her shift, and beat her; at length, for ranfom, made him give bond to pay a certain fum to whom they fhould fend for whither the went accordingly. At this very juncture, arrived at Petit Goave from France fome merchant ships, and three large men of war The governor being told by the privateers where the Falcon lay, thefe ships were prefently fent out, and with them carry away every woman he could meet with till he had his wife again; and then took away with him her maiden daughter, Mifs Rachael Barrow, fore, that was bound hither from New England with provisions, she the Falcon out-failed, and took and brought her prefently in with the men; but I, fearing those privateers might get together again, and profecute But all our men of war floops belonging to the ifland had been on the coaft of Hifpaniola, and there on the flore accidentally met with Grubbin's wife, a fo, should not be obliged to be fent away against their wills, and the like with ours that were with them; therefore when they had a flag of truce and, accordingly, one night, landed at a lone house at St. Elizabeth's, one Mrs. Barrow, a minister's widow, plundered all her negroes, household goods, and all the had; tortured her to confefs if the had any money, their delign, got the Falcon wood, water, provisions, and some more men, and fent her out again in forty-eight hours, to cruife in the fame pafs; another smaller of twelve guns to take her; and, as it afterwards appear-Frenchwoman he had married there: they would have left her there where they found her, but the earneftly defired to go with them, and be quit of her husband, because, as she faid, he used her very ill; therefore, by her defire, they brought her hither, from whence, being a Frenchwoman, I would have fent her again, but the earnefly defired to flay and betwixt us I would not force her away; neverthelefs, Grubbins, in revenge, took the opportunity to tell the people, when he landed and plundered, and to write me, that, if I did not fend off his wife, he would of about fourteen years old, and carried her to Petit Goave. This paffed illand; there they took major Terry and his wife, carried them a hundred miles from me, fo that I heard not of it prefently. ed, foon met her, fought her, and were too many for her. of fifty and fifty-four guns.

and defired leave to go to Petit Goave, to buy their veffels and lading, which I accordingly gave them, and writ by them both, in two feveral floops, to the French officers, and defired fafe conduct in their going and another belonging to Richard Nicholas; these two came over land to me, coming, and they went away accordingly.

to require punishment on the offenders, or else to tell him that I would make satisfaction to ourselves on any of their people that we met with; but the two floops mentioned before, and this, with major Low alfo, as Soon after Mrs. Barrow'had travelled bither, and came to me full of me to help her. I then confidered these were inhumanities beyond the foon as they came on the coafts, they feized and plundered of what they common custom of war amongst Christians, and therefore fent major Low, one of the council, and with him, for the better port, lieutenant-colonel Clarke, with a flag of truce, and a letter to monfieur Ducafs, to complain of these insolencies, and many others committed by their privateers, and prayers and tears in behalf of her maiden daughter, and carnetlly begged had, and detained them all as prisoners.

against us, and the rather because, about a month before, I had a letter from Curraçoa, from a gentleman I know not, which told me that the war only, of their king's, of forty-four guns, could not, with all their privateers, attempt any fuch thing as the carrying the whole island. the rather because I thought the French at Hispaniola with one man of had any recruits of thips from France, and therefore but only one of was taken, but doubted the must spring a but-head and so be foundered or accidentally fired in the sea, and all lost that way: but time going away, I was very uneafy, and began to doubt they had fome defign Some time passed away, and I heard nothing of the Faulcon, whose Iimited time was out, nor of any of those sloops; and not knowing the French forty-four guns with them, at Petit Goave, I could not think the Faulcon French were preparing a great strength to take Jamaica, but when or from whence he named not; so that I concluded it only a rumour, and

creafed upon me as the time paffed away, on Thursday, the last day of May, in the evening, as I was fitting with some gentlemen, comes into my house captain Elliot, whom I have before mentioned to have been Whilft I was under fome doubts and concernments, which daily intaken by the French, in a very mean habit, and with a meagre weather-

from us, had told him he would meet with but little difficulty in the fome Roman Catholics, and others affected to king James, that would come in to them, and that a fmall number of men might march through might be expected in two or three days; that they hoped to be with us before we had any intelligence of their coming, which would make their that would carry no more than them three that were in her, and had the had drawn up all their ships and force together, had twenty fail of ships and veffels, and three thouland men, and were defigned to take this quake, and two thousand men would take that place; that they were very weak; that upon the illand there were at leaft five hundred men, the country; that they were ready to fail when he came away, and and two more had ventured their lives to the will of the fea in a finall canoe, Saturday night before ftolen away from the enemy, to let me know that island; and in order to it, monsieur Ducass the governor was coming with them: that Stapleton, Lynch, and others of the rogues that had deferted enterprize, for the fortifications at Port-Royal were down fince the carththe French had recruits of men and men of war from France and Martinique; that they had taken the Faulcon, the manner how; that they beaten countenance, and told me, that, for the fafety of the island, conqueft of the place more eafy.

barricaded all the streets leading to the fort, and lined them with great guns, and put every thing there into as good a posture as could be done in the time; and, to strengthen him, I fent him fifty white men and fifty blacks fitted her very well, though at a great charge, for a fire ship; laid the Advice to second the fort, drew all the merchant ships into a line, and for one month, which was accordingly done; and a council of war of the officers immediately called together, and martial law proclaimed, and every officer ordered to his post. At this time one of the bastions of Fort-Charles at Port-Royal was built but up to the fills of the port; but colonel Beckford, who commanded that fortrefs and Port-Royal, did fo industriously apply himself to the securing of the place, that he got the from St. Catherine's, and as many from St. Andrew's and Kingston, and This was furprifing news, but the council and affembly being then gether here, I prefently fent for the council, and foon after for the peaker, and concluded he should call the astembly together and adjourn baffion built, the platform laid, the guns mounted, and all the fort into excellent order; then laid a line of nineteen calverin to the eaft of the fort and five to the west, and in the mean time we bought a ship and together here,

in no capacity of strength or men to detend itself against such a force.—We also drew from all parts of the island as many able men negroes as flored ourfelves as well as we could with falt provisions, of which and the enemy. Accordingly the greatest part came away, and brought all they could, but some trusted to the good nature of the French, as I At Fort-William and Port-Morant I ordered the guns to be could be trufted, and put them in arms, where many did good fervice. the island is very large, and impossible to be defended in all parts, without very much more strength than we have, I was willing, if possible, to St Andrew's, and Port-Royal; from which places, whenever we were attacked, we could affift one another; and fome few I left to defend the breaftobnoxious to the enemy, I ordered all in, and to bring to St. Andrew's and Kingfton their wives, children, negroes, and all they had, because that in five and twenty or thirty miles space there were not above a hundred doubted they would by some letters they met with, and lost what they left behind. At Fort-William and Port-Morant I ordered the guns to be spiked up, the shot to be buried, and the powder brought away, as being defend what was ftrongest, and therefore I fent for all the forces from the out-parts and drew them mear together into St. Dorothy's, St. Catherine's, Thomas's and St. David's, the eaftermost parts of the island, and most fend themfelves, but would all have been a prey, with all they had, to fecured a narrow pass where they might be afraid to break in at the caffermost part of Kingston; and fir James Carlisle having garrifoned and provided his house, which was well walled and gunned for a defence; also they built a regular fort in the parade at Kingston, and put themselves in landing, and the like was done at Old-Harbour and Carlifle-Bay, and put ourfelves into the best posture we could to receive them; and, because and thirty men of all forts, and therefore not possible in anywise to deat St. Andrew's and Kingfton, drew lines where there was occafion, very good order. At St. Catherine's fide we likewife made very good breaft works, and planted guns where there might be danger of their put fifty blacks on board the Advice. In the mean time, colonel Lawe, work at Carlille-Bay, but that was above thirty miles off. The people of St. as well as in the laborious part of building breaft-works, flour we had the good fortune to be pretty well flocked. According to our daily expectation, on Sunday morning, the feventeenth of June, their fleet came in fight with a fresh gale, and we expected they would have come directly into Port-Royal, but they had met with no intelligence, and therefore eight fail stayed about Port-

more; but, for want of water, bore away to Blue-Field's-Bay, towards the world; and what they could not carry away, they totally defiroyed, and left that part of the country wholly devoured and defiroyed. There they were at their own liberty, for it was too far for us to fend fuch a fame in all parts of the island without interruption; and therefore, during their stay at Port-Morant, they fent forty-five vessels to the North-fide, and at St. Mary's and St. George's burnt some plantations; but, on the appearance of some forces which we fent thither, they withdrew and Bay, the wind blowing very hard, and the admiral's ship, monsieur have put the whole island in great danger, which I was refolved to defend if possible. When they had cleared before them from Cow-Bay to Port-Rollon, riding in deep water, his anchors came home, and he was driven off with another in his company, and could not get up to his fleet any coming out again. Then they fell to landing their men, plundered, burnt, and deftroyed, all before them eaftward, killed all the cattle of all forts, and all fowls; drove flocks of sheep into houses and then sired dered in cold blood after a day's quarter: Some women they fuffered the negroes to violate, and dug fome out of their graves, fo that there were never more inhuman barbarities committed by any Turks or infidels in force as could repel them; befides they had fecured the pafs at Cow-Bay, and also they watched but when we would divide our force, and then they would have been upon us in few hours with their ships, and would Morant, which was about five and twenty miles, and whither fometime before they had removed all their ships, they thought they should do the returned to their fleet; also the Thursday after they came first to Cowgainst it, and monsieur Rollon, who commanded the Temerare of fifty-four guns, and was admiral, told monfieur Ducafs he would not venture the them, burnt the canes, pulled up the very herbs, and cut down the very fruit-trees. Some of the straggling people that were left behind they tortured, particularly Charles Barber; and James Newcastle they murleagues to the windward of Port-Royal, and where if I had not removed the man prefently came to them, as I am advifed, and told them captain Elliot was arrived fometime fince, and we had notice of their coming; Morant, and fourteen of them went to an anchor in Cow-Bay, fix or feven people from St. David's and St. Thomas's they had fecured them all from coming to us, or we from fending any fuccour unto them. Here a negro the people were all called together from the out parts and Port-Royal forking's ships into any harbour, where if they did not prevail there was no tified; neverthelefs monfieur Ducafs would have come in, but many were aif possible.

William, burnt the carriages of the guns, and, leaving nothing they thought might be ufeful to mankind, on Monday, July the fixteenth, their whole fleet failed from thence, and on Tuefday morning the feventeenth fome of them came in fight of Port-Royal, and in the afternoon all the rest, and went to an anchor again in Cow-Bay; and, to amuse us, landed their men very fast, and made fires along the bay, which gave us cause to think they defigned to try to force the pass into St. Andrew's; for sear of which, I sent thither from St. Catherine's about a hundred men to reinforce them, but still doubted a trick, and so it happened; for, as foon of their biggeft ships, which still kept in Cow-Bay to amuse us, so that outs in the country, and from Port-Royal, standing to the westward, and then I concluded their design was to surprize Carlisle-Bay, in Vere, before we could fend to their affiftance, it being about thirty-fix miles from us in St. Catherine's; but I prefently fent two troops of horse, and part of them; for on it they ran a-board in fuch a hafte that they left their meat their bread and falt, and failed away as foon as they could get up their Morant, and the country thereabouts, beat down all the walls of Fortas it was dark, they took all their men a board again, and failed all but three the regiment of St. Catherine, and part of the regiment of Clarendon, which were in town, and part of the regiment of St. Elizabeth, which lay The enemy came all to an anchor in that bay, the eighteenth in the afternoon. There lay a ship come from Guinea, which landed her the west end of this island, where he landed about fixty men; but major Andrefs, who was left there with a few men to take care of those parts, fell on them, where was a small encounter, in which we had one man killed and two wounded, and they loft fome; but, on the hearing the fmall arms, the admiral fired a shot over their heads, which was a fign to they had killed, and fome cattle they had tied up to carry a-board, and The fleet having done all the mischief they could at Portcould get horfes for, and by evening they were all marched on their way. The horfes and they that were mounted got thither by night, and the rest marched so hard that they got thither by ten the next morning. negroes there, and could not for the hard breezes come up to Port-Royal; fave her, fet her on fire, that the enemy might not have her, and with his men went on shore into a breast-work on the bay, where they did very the eighteenth in the morning we faw feventeen of them from our lookin the way at St. Dorothy's, to march; to mount what part of the foot they of this ship captain Daniel was commander, who, feeing he could not good fervice, and where fix of his men were killed and more wounded. anchors.

zabeth, and fome horfe, came in after a march of about thirty miles that Into this breaft-work were gotten two hundred and fifty men, befides colonel Sutton of Clarendon, was the chief officer, and had been the builder of this work; but it was ill made, and worfe contrived; on the fouth was the fea, on the west a large river, on the north a village of houses, and on the east they had left a wood standing, and made no provisions having very good guards come down the wood on the east fide, and fell very hotly on the breast-work, where a great fire was made, and the Clarendon, lieutenant Dawkins and otherskilled; and captain Dawkins conveniencies ; for the men, either meat or drink, or horse meat. Thursday the nincteenth, by throwing up in every veffel fmall balls of wild-fire, and by day light the breaft-work, and landed about a mile and a half to the eaftward of it, Claybourn, of the regiment of St. Elizabeth's, and his captain-lieutenant Smart of the regiment of all their horfes, which were tied three or night, weary, lame, and hungry, yet fell on bravely, on the right of the enemy, and charged them fo warmly that they could not follow our men officers and men behaved themfelves with that gallantry, that they made the enemy retire, and ours then being very much fatigued, did the like to recruit themselves. Here captain Rakestead and some others were blacks, being those of the feveral regiments they got down first, and fome hours before day, the French in all their fleet made figns for landing, had by estimation landed about fourteen or fifteen hundred, but avoided where were fmall guards to watch them, who fired on them as they approached the shore, and retreated about nine or ten in the morning, they French officers forcing on their men, ours gave way and fled to the weftward, where many got over the river and were faved, others bogged and drowned; many of the officers and most of the men fought bravely, and Colonel and about four companies of the regiment of St. Catherine, and one of St. Eliwounded, and fome killed on our fide; and many of the French, who, rity, to burn and destroy all they came near, and made no other advance towards our forces, nor we towards them, but in feveral skirmishing parand twenty men into it, well provided with arms, ammunition, water, and as foon as the rencounter was over, fell, according to their wonted barbacame to a brick house of one Mr. Hubbard's, who had gotten about ties, till Sunday the twenty-second; then they marched upwards, captain Fifher, and many others taken prisoners, are of their colours loft, and all their horses, which washouts. Just as the French forced the breast-work, killed many of the enemies before they were forced to retreat. that took a way over the river, elfe they had all been cut off. Vaffel, were killed dead; lieutenant-colonel thereabouts. four

unanimoufly chose major Richard Lloyd, major to myself, of the regiment of horse, to direct and command all the force there, which then was had returned alive; but they, being privateers, and finding so many of their men killed and wounded, and amongst them several of their best plied themfelves fo to their defence, that they killed many and wounded but here we loft fome men; also our fcouts and spies brought news this about feven hundred, and fent an express to me to confirm it, which I day the twenty-third, major Lloyd put about fifty men into Mr. Hubbard's officers, and finding they could make no advance on the country, that Catherine's and Carlifle, and land there, and thereby cut our forces that were at Vere from joining those here, and so have fallen on this town and endangered the whole, I had given order before to major Lloyd that, if he did accordingly; and, to prevent their defign in this place, when I fent and came in time enough to help to beat them off, and plunder the dead; evening that the enemy were providing great guns against the next day, and then resolved to batter and attack the house. In this time some of duct, as the cafe required, the commissioned officers at a council of war The next day, being Monhouse and laid the rest of the forces in an excellent ambuscade, expecting that they would fire and deftroy all the country before them till they came to St. Catherine's, then plunder and burn that, then cut off the water from Port-Royal, and starve that, and so secure the whole country to themthe forces to St. Dorothy's, leaving only a guard at Carlille-Bay, which he hearing their difpute, made with fome horfe and foot to their affiltance, the chief of our officers, not being fo brift, nor managing with fuch conthe enemy to come on as they had reported; which, had they done, few night fired all the fmall town of Carlifle, stopped up the great guns, did At their first coming, they boasted much felves; but withal took care, by fome rogues, to tell our people who sames, should have all they had preserved to them, but sew believed believed they should march as freely in other parts of the country, and meet with no confiderable opposition. On Tuesday their whole fleet failed, and for fear they should fall into Old-Harbour, which is between St. faw them remove, and fail to windward, he should immediately march them; and they, having met with no refufal in St. Thomas's and St. David's. conveniencies; on this house they fell smartly, but they from within apwhat mischief they could, left the prisoners they had taken there, would submit to the king of France, or declare themselves tor did for the better management of the whole. went all aboard their ships.

hedged, and we had also five very good field-pieces well mounted, and all things in order, so that I doubt not we should have given them such a reception as they woul not be well pleased with; but they made all any where, but about feventeen fail went into Port-Morant to wood and On Saturday the twenty-eighth in the evening, they put aflore most of the prisoners they had taken whilst they were about the country, and that night failed all homewards, as we guefs, fince we have heard nothing of them from ward, about four hundred and fifty men, befides blacks, fo that we had a cafs and two or three ships made the best of their way, and stayed not the forces that were here away to Carlifle, I called from Port-Royal and St. Andrew's, which were then fafe, when the enemy's fleet were to leegood firength here, had they put that trick on us; befides there is an open plain country fix miles to the westward of this town, through which they must have passed, and then the horse would have done us good fervice, Monfieur Duwhich they could not do in that inclosed country of Vere, which is hafte homewards, and had favourable weather to do it. water, which they did with all the speed they could.

our fide about fixty killed and wounded fince they came first to the country, and, as we can gather from our prifoners come from them, they have died with ficknefs in their ships, fo that when they come home and confult their lifts, it is supposed feven hundred will be found wanting, from their first setting out. It appears by what I have known fince, that Mr. Hubbard's house was garrisoned the first time by order of major Lloyd, and an officer put in to command them; that we have had on our Jews, and negroes, and that fifty fugar works have been deftroyed, befides many plantations in St. Thomas's, St. David's, and St. Mary's, and above a hundred burnt befides, in the parishes of Vere and St. George's, befides all other fpoils, and about a thoufand three hundred negroes, as we can yet compute, carried off, so that the value is very great, and cannot yet I cannot yet procure a certain account of the loffes of either fide; but, according to the best conjecture we can yet make, we have had on fide killed and wounded about a hundred men of all forts, Christians, had killed and wounded above three hundred and fifty men, befides many

K k 3

A LETTER FROM THE COUNCIL IN ENGLAND SIR WILLIAM BEESTON, IN ANSWER TO HIS NARRATIVE.

an account of the posture and proceedings of the enemy; which express is now very soon expected. Her majesty in the mean time, taking nothing more to heart than the relieving and preserving to the crown of England the island of Jamaica, as a place of the greatest importance to ships and men, and on the feventeenth of the same month landed a great the trade and commerce of this kingdom, and protection of their majefies good fubjects in that island in their perfons and estates; we have rean account, from your letters of the 23d of June laft, that the French number of men upon the windermost part of the island, where they were plundering, ravaging, and burning, all before them, and were daily time relief of ships and men might be fent from England, to enable you to encounter the enemy, both by fea and land, and to beat them off from the coasts of Jamaica; and further representing, that, in ten days after the date of your faid letter, you intended to send another express, with FTER our very hearty commendations, her majefty having received have appeared before the island of Jamaica with a considerable force in good a posture as you could to defend the place, till such ceived her majefty's command to let you know, that her majefty, relying very much upon your vigilance, courage, and prudent conduct, together with the known loyalty and fidelity of their majeffies fubjects in Jamaica, for the refifting and withstanding the further attempts of the enemy, and defending and preferving the island from falling into their hands, until fuch time as furtable relief may be fent to repel them from thence; her majefty has been gracioufly pleafed to give express orders for the preparing, with all the diligence that may be, for the speedy sending to Jamaica such strength in ships of war and land forces as may be able not only to free the island from the infults of the enemy for the prefent, but the force of the island from the out-parts, and had got all things into as good a noffine as well and the continuous and bad got all things to reduce the French in the neighbourhood of Jamaica to fuch a condition as may put them out of capacity for the future to moleft the inhabiexpected to fall upon St. Jago and Port-Royal, where you had

the fending away the faid ships and land forces, with fuch expedition as protection in their perfons and estates upon the island, and that the same may render them for the suture safe and secure from the infults of their tants of that island, or to diffurb the trade or commerce of their majefties fubjects in those parts. Her majefty having also referred to our care the emergency of the occafion and their majesties purpose for the protection of their subjects, and the preservation of that island from falling into the hands of the enemies, you are to affure the inhabitants of Jamaica that we have the fame under confideration, in fuch manner that the faid relief and affiltance may be fent in good time to their fatisfaction, for their majesties enemies in those parts.

time for the defence of the island, and the protection of their majesties fubjects there, all that in you lies, we bid you very heartily farewell. From the council-chamber, at Whitehall, this 23d of Augult, 1694, in the And so, not doubting of your utmost care and endeavour in the mean fixth year of their majesties reign.

Your very loving friends,

SOMERS,
LEEDS,
RAMNEY,
PEMBROKE
DURSLEY,
SHREWSBURY,
CHARLES MONTAGUE,
NORMANDY,
J. HOLE,

AN ADDRESS OF THE ASSEMBLY OF JAMAICA SIR WILLIAM BEESTON.

To the right honourable William Beeston, knight, their majestics licutenant-governor, and commander-in-chief of this their majestics island of Jamaica, and the territories thereon depending, &c.

THE HUMBLE ADDRESS OF THE ASSEMBLY.

May it please your honour,

the fafety and welfare of this island, have unanimously voted a fupply of that notwithstanding they have met with some disappointment in the im-Yet, as an inflance of their readiness to preferve their mafter's honour and ing the Spanish trade is of fo great importance, and confiderable advantage to perfons trading that way, it is undoubtedly capable to bear its own AVING taken into our ferious confideration, that your honour communicated by the speaker to the house, relating to the better your honour, mediate affiftance expected from the king's ships, for the fecurity and defence of this island, and the disorder and unwillingness of the failors employed in the floop to continue and proceed in the fervice, arifing from the fo great disproportion in sharing what is taken in the frigates among forty men, for the better enforcing the floop now in the country's fervice. They also defire that they may have leave humbly to offer, that, confidercharge, without the frigates for fecurity and convoy; and the perfons concerned to raife a fund of money to hire other veffels and men, and their maffer's frigates attend and guard the coaft of this island, and be employed against the enemy, and maintain their honour and interest in these parts, and alfo, that the floop of war fitted out by the country may be which we fear in fome meafure hinder the fuccers hoped for employed for its immediate fervice upon the coast thereof. fecuring this island, do most humbly presume to acquaint

As to other matters your honour hath been pleafed to intimate, of great concern and confequence to the interest of this island, the house meet with affurance from your honour, that what they have requefted in their humble addrefs will be granted has refolved, as the circumstances of affairs shall admit, to take into their defence of the island seems at present to call for immediate assistance, immediate confideration the expediting thereof; and, as the necessary therefore the houfe thinks fit to enter upon nothing until what has relation thereto shall be dispatched; and hope, for their encouragement,

RESOLUTIONS

RESOLUTIONS OF A COUNCIL OF WAR.

AT A COUNCIL OF WAR HOLDEN AT PASSAGE-FORT, ON SATURDAY THE 8TH FEBRUARY, 1695-6.

PRESENT,

The right houourable WILLIAM BEESTON, knight, his majefly's lieutenantgovernor and commander-in-chief, PRESIDENT,

LIEUT. COL. THOMAS CLARKE, LIEUT. COL. CHARLES SADLER, Major LANCELOT TALBOT. Major James Mansey, LIEUT. COL. RICHARD LLOYD, COL. CHARLES KNIGHTS, NICHOLAS LAWES, COL. JOHN BOURDEN COL. HENRY LOWE,

Liguanea, then, on the first notice, the troop of horse AGREED 1. THAT if the enemy endeavour to force the pass into and three or four companies of foot be fent from town to affift them; and,

ORDERED, That colonel Lawes cause three guns to be distinctly fire! at the breaft-work, and three at Kingfton, and that they be answered by one from Port-Royal fort.

march immediately, without further order, to St. Jago, and three companies of the foot at Port-Royal to come over by Salt-Ponds, and march AGREED 2. If the enemy pass Port-Royal on the outside of the Keves, then the troop of horse and three or sour companies of soot of Liguanea o to St. Jago with all the expedition that may be. AGREED, That if the enemy attempt Old-Harbour, which will foon be. known, if they are feen failing in there, then the major part of the ho fe and foot to march from St. Jago to St. Dorothy's, and the regimen of Clarendon and Vere to do the like, leaving only one company for a goord at Carlille.

ORDERLD,

fall on in fmall parties, left they be baffled; and the forces of St. Dorothy to march immediately by, if they fee the ships pass Portland, and join the Clarendon forces, leaving only about twenty men and a commifsioned officer for a guard to St. Dorothy's, and the forces of St. Jago to foldown about Mr. Iveys, and there stay till they are reinforced, and not officers there immediately fend expresses to Carlisle-Bay, and land there; then his majefty's troops and all the forces horle and foot, to draw ORDERED, That, upon the approach of any ships to Old-Harbour, the Iow as faft as they are able, and join the forces at Vere.

ORDERED, That the Clarendon and Vere troops come to town immediately, leaving only fix troopers to ride the patrole there.

ward be immediately drawn down to Liguanea, and from all other parts of the island, Port-Royal excepted, to St. Jago de la Vega and St. It is the unanimous opinion of this board, that the forces from wind-Dorothy's.

ORDERED, That colonel Knights take up two fuch ships or vessels as will be most convenient to make fire-ships, and fit them immediately. ORDERED, That all the reformades in this island join and exercife in the feveral troops of horfe, in the respective precines where they live.

Yera Copia.

THOMAS NICHOLAS, Sec.

QUERIES

QUERIES PROPOSED TO SIR SIMON HARCOURT.

AMAICA.

and continued to make laws until the 25th of May, at which time notice came of the decease of the king on the eighth of March. 2. 1965 104 18th hung had had entered and not arrive the about 22 June. In 23 or must fund he was the about 22 June. In 23 or must fund he was until fund he was the about 22 June. call an affembly to meet on the feventeenth of March; this affembly fat, APTAIN general Selwyn arrived in this government the twenty-first of January, 1701. He foon or immediately iffued out a writ to

Query 1/1 .- Whether that affembly, convened after the death of the King, be lawful, and the laws made by them before fuch notice be good and in force? The acts of an aftembly making of laws, I think, are not to be compared to the acts of particular persons, as justices of assize, done by fuch juffices or commiffioners after their commiffions are fuperor other committioners acting by virtue of the king's committion. ceded, &c. and before notice thereof, are valid.

Anfwer.—But an affembly, in nature of a parliament, I take to be diffolved immediately upon the demife of the king, unless otherwife provided for by fome law. However the affembly, until notice, was undoubtedly a legal affembly; but, nevertheless, I conceive the laws they made after the decease of the king want confirmation. Colonel Beck-ford had a dormant commission for heutenant-governor of an old date, of any captain-general or commander-in-chief. Captain-general Selwyn died on the fifth of April, and the fame or the next day that commiffion under the privy feal, to commence or take place on the death or abfence

liament for explaining a clause made in the said statute 7th and 8th of the late king, would have preserved that commission for fix months, unnot being possessed till after the death of the king. Had the commission to colonel Beckford been good and in force at the time of the demise of Query 2d.—Whether that commission is made good to all intents and purposes by the statute of the 7th and 8th of the king, 10l. 565, he the late king, the above mentioned statute, and statute in this late parlefs fooner fuperceded ?

1

good, determined by the granting the commiffion to colonel Selwyn, and was not in force at the demife of the late king, and confequently not preferved by the faid acts. Anfwer. - But I conceive colonel Beckford's commission, if it was ever

Query 3d.—Our writs of fummons here, which are of the nature of original writs in England, bear date the last court, and are returnable the next; the death of the king happens between those courts, whether those fummons executed by service before notice of such decease be good

Answer.-I conceive those fummons are good, and may be returned and proceeded on by virtue of the act made in the last parliament, for explaining a clause of the act made 7th and 8th of the late king, for the better fecuring his majefty's perfon and government.

This is a true copy,

SIM. HARCOURT.

September 11, 1702,

A SPEECH

A SPEECH OF HIS EXCELLENCY GEN. SELWYN

TO THE ASSEMBLY.

Mr. Speaker, and you gentlemen of the affembly,

find every man in a temper fuitable to the necessity of the affairs. I HAVE called you together with all the difpatch I could, and hope to need not tell you the effate of the revenue, referring that to your infpec-tion; but I am very forry, for your own fakes, it is fo far leffened, at a time when your defence requires it should be much greater than ever.

for a speech, and likewife whatever else you shall think for the service of the king and country; only I must defire your immediate application to the former, left the vigilancy of our enemies force us to our arms, to advise with you, the matters and methods being of too large an extent felves and of those gentlemen who are fent to defend you; I mean building fortifications and barracks, which is the eafieft and most ufeful way of quartering foldiers. On thefe two points I shall be always ready The main bufinefs I have to recommend to you is, the care of yourwhilft you are deliberating upon a law. With the advice of the admiral and council, I have taken up two veffels. for fire-ships, which account shall be laid before you, wherein you will see how much care has been taken to make the charge eafy to the I have reviewed the greatest part of your regiments and troops, who I find are generally good men; but I hope you will take my advice in some amendments to the militia act. It may be expected I should fay something as to your civil rights: I therefore, being a ftranger, will unravel myfelf, fo that every man may fee what he is to expect from me. When any real grievances are duly reprefented, I shall readily concur.

with you in redreffing them; but hope no imaginary ones will diffurb the public peace or bufinefs.

fon; nor will I lessen the king's prerogative any more than I would betray my father; and, whenever his service or defence of this country restitution, and I would no more invade either than I would facrifice my Liberty and property I know is the foundation and bleffing of our conquires it, I am ready to expose myself to any fatigue and danger. It was in perfect obedience to his majeffy's commands that I came Justice in all things shall be my rule, and, at my return, his majefty's gracious acceptance of my fmall fervice, will be at leaft an honourable reward for the hazards of this climate: In the mean time I shall expect a just defence to my authority, and as much confideration, in every respect, as has been shewn to any of my hither, whole goodness to you and care of you was my greatest encouragement; the particulars of which, being too many to enumerate, shall be laid before you during my flay.

heartily apply yourelives to the public bufinefs, that we may have a I will add no more, but to defire you will, without any lofs of time, foot and happy feffion. THE

THE DISTRIBUTION OF THE ROYAL DONATIVE,

WHICH

KING CHARLES II.

SENT TO THE

OFFICERS AND SOLDIERS IN JAMAICA.

five shillings, and seven pence, sterling; and, in pursuance of his majesty's instructions, I do promise, according to the late muster taken, and the persons now living, to distribute the same. Witness my hand, this pleafed to fend unto the late foldiers of this island his royal gift, converted into feveral goods and commodities, I do hereby acknowledge to have receved the share, proportion, and dividend, for the officers and in money to the fum of two thousand fix hundred and fifty-two pounds, foldiers in the late regiment under my charge and command, amounting gracioufly THEREAS his most excellent majefty hath been 17th of October, 1662.

SAMUEL BARRY.

WHEREAS his most excellent majefty hath been gracioufly pleafed to fend unto the late foldiers of this island his royal gift, converted into feveral goods and commodities, I do hereby acknowledge to have received the share, proportion, and dividend, for the officers and foldiers in Doyley, amounting in money to the fum of two thousand five hundred purfuance of his majefty's infructions, I do promife, according to the late mufter taken, and the perfons now living, to diffribute the fame.—Witness my hand, this 17th of October, 1662. the late regiment, under the charge and command of colonel Edward eighty-two pounds, four shillings, and a penny, sterling; and,

THOMAS LYNCH.

WHEREAS his most excellent majesty hath been graciously pleased to fend unto the late soldiers of this island his royal gift, converted into

the thare, proportion, and dividend, for the officers and foldiers in the ton, deceafed, amounting in money to the fum of two thousand cight hundred forty-five pounds, twelve shillings, and fix-pence, sterling; and, in pursuance of his majesty's instructions, I do promise, according to the feveral goods and commodities, I do hereby acknowledge to have received late regiment, under the charge and command of colonel Francis Barring. in purfuance of his majefty's inftructions, I do promife, according to the late muffer taken, and the perfons now living, to diffribute the fame.—Witness my hand, this 17th of October, 1662.

CORNELIUS BURROUGHS.

WHEREAS his most excellent majesty hath been graciously pleased to fend unto the late foldiers of this island his royal gift, converted into three fhillings, sterling; and, in pursuance of his. Witness my hand, feveral goods and commodities, I do hereby acknowledge to have received the share, proportion, and dividend, for the officers and foldiers in the jefty's infructions, I do promife, according to the late mutter taken, I the persons now living, to distribute the fame. Witness my hand, late regiment, under the charge and command of colonel Philip Ward, deceafed, amounting in money to the fum of two thousand fix hundred 1662. majefty's infructions, this 17th of October, feventy-one pounds,

THOMAS BARRY.

do promife, according to the late muster taken, and the perfons now living, to distribute the same. Witness my hand this 17th of October, WHEREAS his most excellent majefty hath been graciously pleased to fend unto the late soldiers of this island his royal gift, converted into several goods and commodities, I do hereby acknowledge to have received the share, proportion, and dividend, for the officers and foldiers in the late troop of horfe, under my charge and command, amounting in money to the fum of one thouland five hundred twenty-feven pounds, fifteen faillings, sterling; and, in pursuance of his/majesty's instructions,

R. NELSON:

A JOURNAL

A JOURNAL KEPT BY COL. WILLIAM BEESTON, FROM HIS FIRST COMING TO JAMAICA.

THAT was truly acted from the taking of the ifland, to the 27th ertain; but, as I gathered from those who were there before me, this following is the short account which, though perhaps not certainly perfect, yet may put your excellency in mind of some things that may be necessary, and which you yourfelf can better methodize. of April, 1660, (which was the day I arrived there,) I am not

for England, and, after the two generals left the island, the government fell alternately to the chief officers, who foon, fearing supplies, thut up the stores of provisions, which, with the havock that had been made of by general Venables, and the fleet then commanded by general Penn. Some few months after the island was taken, great part of the fleet went mortality. The Spaniards and Spanish negroes also lay lurking about the woods, and destroyed many as they rambled for food to sustain their hun-Soon after the defeat of the army at Hifpaniola, this island was on the tenth of May, 1655, taken from the Spaniards by the army commanded the cattle, brought great want on the foldiers; and that and living upon fruits only, or fuch other hard fare as they could get, brought a great gry appetites: Thus they continued till the death of major-general For-Then arrived major-general Sedgwick with recruits, who, feeing the foldiers' wants, opened the old flores; but in a nel Doyley, as prefident. Not long after which, arrived general Brayne, few months he died. Then came the command into the hand of coloterest of the country, for he animated them to planting, hunting, and to and then the command again returned to colonel Doyley; after which the more industrious, and merchants' ships began to frequent the place; but a man, who, had he lived, might have been very advantageous to the inmake benefit of the island; but, in three or four months, he died alfo, place began to mend, provisions to be more plenty, the people to be the feattered Spaniards began to gather together at Ochorios, where they built a pallifado fort, but were hardly fettled before they were defeated tefcue, Mr. Aylefbury, &c.

them; after which the Spaniards headed no more, but lay feulking in on the Main, and returned victorious, but was emulated for his fuccels, and their fort razed by the English; yet, not long after, forces were fent from New Spain, Cuba, &c. to reduce the island, and landed at Rio-Nova, where they built a good fort, with chapel, and houses: But thither general Doyley went by fea in perfon, and with the men he carried with him bravely fought the Spaniards, took their fort, and killed and took most of lish as they travelled the roads; but at length a party of the negroes came in to the English, and foon after a detached party of the English were fent out, who totally took and routed the Spaniards in the woods, and a ring those times, captain Muins, in the Marston Moor, with some other the woods, and, with the affiftance of their negroes, killed many Engfew got off to Cuba; and the English remained indifferently quiet. ships in his company, took many prizes, pillaged and burnt many and not long after was fent by colonel Doyley for England.

they have happened in time, knowing your excellency is more able to What follows is after my arrival, and from my own knowledge; in which I have only as a journal continued along the heads of things as enlarge of the particulars. APRIL 27, 1660.—At my arrival the people were still as an army, but without pay, commanded by general Doyley, under whom, as chief ministers, were major Fairfax and captain Burroughs; the government was only by a court-martial, held once a month at St. Jago, and what difputes general Doyley felf, who lived very near and private, did not by any means love planting; but hindered those that were were now healthful, and provisions began to be plenty, and trade to in-Bola, came in and furrendered themfelves, who were all made free, and most of them, fo that now there were not above thirty out negroes left in captain Juan de Bola had commission given him to command them; yet there was another party of negroes still abroad, called the Vermahollis creafe; the privateering was carried on, and good prizes often brought in by the country, who by degrees were all picked up, and the island left quiet negroes, after whom captain Ballard was fent with a party, who took them; this fummer a party of Spanish negroes, commanded by

on the contrary, that if they delivered up the two licutenant-colonels they should all be pardoned, that they promised the next morning to deliver up their officers. Accordingly, in the morning, the foldiers brought down the two lieutenant-colonels, and delivered them up; on whom to lay ready without the fort, that, if he faw things grow defperate, he might embark and leave them; but, by fending feveral meffengers to them, and at length major Richard Hope of the Liguanea regiment, he fo prevailed with them, telling them the danger if they perfifted, and, correspondence with those men; and yet, after all this, and all the fair recruits came for the army, and they had no pay, which made the foldiers deem themfelves neglected, and a general expectation there was that all would be called off, and the island deferted, there being no news would have the idand fettled in colonies, and make conflables and civil drew fome forces to St. Jago to appeale them, but was cautious, not being certain but that those he brought, if it came to the push, would fail him, and be of the mind of the others; and, therefore, he ordered a ship there prefently fat a court-martial, who adjudged them worthy of death; and accordingly, in a very flort time, in fight of both parties, they were floot to death. Then the foldiers were all ordered to their feveral quarters, but were grown fo infolent, that the general was forced to give them leave to plunder the houfes of Tyfon and Raymond in St. Jago, which fushed them to plunder more, even any that they could pretend had any ficers could do to keep them from mutinying, and to get them to return reformed officer, called lieutenant-colonel Raymond, who lived near him, began to mutiny and fet up for themfelves, faying, they would live And, accordingly, August 2d, they declared they officers. There general Doyley not being able to appeare with words, words that were given them, it was as much as the general and their ofments at Guanaboe, and formerly commanded by colonel Barrington, of his majefty's happy refloration; this gave occasion to one of the regibut now by lieutenant-colonel Tyfon, who being fet on by a difcontented About this time, the rump parliament being again up in England, no more as an army. to their precincts.

gave all people great hopes his majefty was reflored to his throne, and was commander, arrived from England, with the union jack flying, which confirmed when the ship came into the harbour; which news was received captain August 15 .- His Majeftv's ship the

the folemn proclamation of the king, and then done with all the expref-fions of joy that the place could afford; to help which, at the fame time, with great joy and acclamations, and the feventeenth was appointed for the Bear, another of his majefty's ships, which came out with the

was coming into the harbour, who, feeing the acclamations on the shore, fired all her guns as the came along; these ships came away with-

There being no directions by these ships, the people began to fignify and report, that they should all be called off, and the island delivered up to dustrious to fettle or plant the country; and under these apprehensions they continued without any certainty, till, on the 29th day of May, 1661, the happy day of his majefty's birth and reftoration, the Diamond frigate, captain Whiteing commander, arrived, and with her came out the Rosebush, captain Brown commander, who arrived not till June the 2d; thefe ships brought a commission from his majesty to general Doyley, them to fettling the country, to erect courts of judicature, also patents their errand, for they could only the Spaniards; which fufpicion made them very idle, and not at all into be governor of the illand, orders to difband the army and encourage ay his majefty was joyfully received by his people, but no particulars.for the provoft-marshal, secretary, and surveyor general's places.

to be taken. The council, with the governor, made laws for the prefent led eight hundred pounds per annum on the governor, and a hundred pounds per annum on the chief judge, who was first colonel Ward, and after his death colonel Barry. This pleased the trading people, but not the foldiers, who could not forbear talking even to mutiny, for that the first proceeded to call a council, fettle the courts, cause the oath of allegiance government of the island, and to lay a tax on all liquors imported; fetquarter fessions, which was July the second, one of them was hanged, to let them see the law could do as much as a court-martial. Yet, notwithstanding all this, general Doyley gave but little encouragement to the planting or trading part, (but the privateering went on, and many confiderable prizes were brought in), nor to the patentees, whom he discouraged as much as he could, without absolutely denying them the benefit of them, either because they were not officers of his own making, or fuch as he had respect for, or because he thought his government to be but short lived, and that in it he could have no benefit but by the privateers, over whom he had an absolute power, and would let none buy of JUNE 5.- The governor caused his commission to be published,

gard or respect to any, either planters or traders, but those who had been them but himself, or whom he pleased to permit; he had indeed no reAbout October this year, there came a report that the Lord Windfor was coming to be governor in his place; this (though he pretended always to be willing to quit the government and return for England) very much troubled him, infomuch that he fpoke very difrespectfully of that time he was expected in, made him almost confident he would not come noble lord; difcouraged the traders, ufed all means to get money and inrich himfelf; and the lord Windfor's arrival being prolonged from the at all; on which he began to threaten the abolishment of the patents, and to new model the government. COMMANDER 14.—His majefty's fhip, the Great Charity, captain Poole commander, arrived from England, with about two hundred paffengers; and the fifth of June the Diamond, who had been fent to the Windward islands to fetch passens, arrived with about two hundred more from

APRIL 24, 1662.—The Diamond failed for England, but in the voyage the commander, captain Whiteing, died at the Caymanas. JULY 30.-The Griffin frigate, captain Smart commander, arrived, and brought news that they left the lord Windfor at Barbadoes, who might be expected to arrive every day.

August 7 .- Arrived another of their fleet, the Westergate, captain Hodges commander, which brought paffengers, stores, and goods.

ralty, &c. and many gentlemen for preferment, and in hopes of offices and employments. And a donation the king fent to the army, which was a great refpect from his majesty, and in lieu of their pay, which the king had no obligation to give them; but this being put into the hands of fome in England, they laid it out in feveral forts of goods, and fo madeputy governor, and with them a feal and mace for the island; also then came colonel Mitchel, who was made judge of the common law, admi-August 11.-The Lord Windfor arrived in the Centurion, captain Miners commander; with him came fir Charles Lyttleton, chancellor, and

naged it, that, by the time it came to be divided amongst the foldiers, it was inconfiderable.

kindnefs, told my lord he doubted not but he would be told complaints of one year, he must expect the same to be raised on himself: However the lord Windsor ordered him to provide himself to be gone for England in him, but they were falfe; and by that time his lordship had been here a very few days, against which he petitioned my lord, and afterwards the General Doyley received the lord Windfor and general with feeming council, but to no purpofe. SEPTEMBER 10.—In the Westergate he went away for England; after which the lord Windfor calls his council, models the government, fettles the law again, which had flept about three months, conflitutes judges and juffices, establishes the militia, and takes the regiment of Port-Royal to himfelf; then begins to grant out the lands by patent under the great feal, in common foccage, and do all things that might encourage people to fettle and plant the country. Neverthelefs, rumours were raifed amongft land, and on fugars and other commodities, infomuch that the old foldiers were like to mutiny; to prevent which, fome of the most noted were fent to prison, and a guard of thirty horse, commanded by captain Ivy, on the thirteenth September, appointed to watch at Passage-Fort, and to have two shillings a day for each man's pay: Yet still the old foldiers murmur, and threaten to relinquish their plantations; on which my lord ifiues out commissions for settling the several regiments of the train bands, and also, on the fifteenth September, publishes a declaration throughout the reports raifed about the feal and taxes was only done by incendiaries his council orders a war with the Spaniards, on this ground, that, having power in himfelf to make either war or peace, and being in Barbadoes, demand a trade, which they retufed; therefore a defign was formed against St. Jago de Cuba, and a fleet fitted, of which captain Miners in the Centurion was admiral. The foldiery being poor, and wanting conthe people, that he intended many great fees and taxes on the feal and the island, wherein he manifests his respects to the people, and tells them and disturbers of the peace, and that they were falfe and no fuch things appointed; that he should consider the poverty of the country, and not Soon after which, my lord and he had fent the Griffin frigate before to Porto-Rico and St. Domingo, to veniencies to fettle, they gladly embraced this opportunity; fo that there burthen them more than was convenient.

were foon gotten together about 1300 men, who with eleven fail of flips, small and great, parted from Port-Royal the twenty-first September, with great hopes of a large booty. Whilft these were abroad, the militia was of the country, how they should pass in payment from man to man; for fully fettled, the commiffions all given out, and the regiments formed, vants that run away from their maffers, another rating the commodities though my lord had power to call an affembly to make laws, yet he put it not in practice in his time. And now, whether through fickness, meso that the fixth of October the regiment of Port-Royal met completely officered and armed. About this time alfo, the dividend fent by his malancholy, or diflike to the place, or all together, my lord refolves to return for Fngland as foon as the fleet arrived from St. Jago, and orders the Bear to be forthwith provided for his transportation with all expedition, and fettles his bufinefs in readinefs; and, on the twenty-first October, arrives a shallop from the seet, which brought news they had taken St. Jarives a shallop from the seet, which brought news they had taken St. Jarives plunder, having taken the town and burnt it, blown up the cafile, brought away the guns, taken feven ships in the harbour, and wasted the country round about it, and brought with them abundance of fugar, hides, plate, so makes all the hafte he could to be gone, and so expedites his business, that, on or about the twenty-eighth October in the morning, he failed in fultations were had, whether the Spaniards, being enraged by this lofs of happened that all the planets in the heavens were in Mars afcendant of And now the fleet being arrived, my lord was impatient of his flay, success made the people quiet, the Centurion stayed in harbour, but the St. Jago, might not meditate revenge, and make fome attempt on the Fort-Charles, with intent to finish it, which hitherto lay open, with only wine, and much other plunder; and all this only with the lofs of fix men the first of December these men began to work at it; on which day it by the Spaniards, though there were about twenty more loft by other accithe Bear for England, leaving fir Charles Lyttleton deputy-governor, and privateers all went to fea for plunder; yet fome Spaniards came, under island; therefore what money was due to the king was called in, and in November about forty men hired to work on the fort, which is now called pretence of trading, to the illand, and were kindly received; but conjefty to the foldiers was diffributed, as his royal gift for difbanding old army, and the council fat and made many acts, viz. One about a round tour of stone, and banks of boards and fand towards the sea. colonel Mitchel chief over the sea affairs, and over all the courts. On the twenty-fecond arrived the fleet, with all their

was no news for a long time. About the beginning of February, the deputy-governor and council made an order, that all the negroes which Mitchell commander, who, having been cruifing in the bay of Campeche, brings this relation: That, about 90 leagues this fide of Campeche, he met three fail of the fleet, viz. Captain William James his ship, funk in alfo brought news that the Spaniards in Campeche had timely notice of In the mean time, the fort went on vigoroufly, infomuch that, by or about the thirtieth of December, the platform in the half-moon towards turns of stones to the work, and had then further profecuted it, but the death and burial of captain Con. Lyttleton, sir Charles, his brother, that day caused them to desist for that time, and also the present expedition in all twelve thips, fmall and great, failed away to fea, from whom there was no news for a long time. About the beginning of February, the people began to grow big to hear of their fuccess; when on Saturday, February twenty-eighth, arrives a privateer called the Bleffing, captain pen in very many years. About the twelfth of this month, there was the sea was laid, and that day one whole cannon and three demi cannons of brafs were mounted on it, and, on Wednefday the thirty-first, about of the fleet, by taking off captain Miners his failors, caufed the work to go on the more flowly; and now on Friday and Saturday, the ninth and tenth of January, the foldiers being in all about fifteen or fixteen hundred, were embarked; and, on Sunday the eleventh in the morning, the Centurion with most of the fleet weighed anchor, and failed out of the harbour to the Cays, and on Monday morning, the twelfth, they being were yet abroad in the island in rebellion, being about thirty, or more, if they would come in should have twenty acres of land for each head that defired it; and Juan de Bola, who had been formerly their commander in the woods, and had been come in fome time paft, as before, was appointed colonel of the black regiment in the militia. The fleet having the fea by foul weather, who was the best ship in the sleet next the ad-English defigning on them from St. Jago; to prevent which they had fent their wives, children, and goods, to Merida, an inland town again a confultation for another defign against the Spaniards, and the one hundred and fifty volunteers wrought on it befides the labourers), who now been out fome time, and no news of them, the expectation of the the Spanish nation, and fuch a remarkable convention that does not hap-Centurion was prefently fitted for Campeche, and other ships to go with her, and men raifed, which were ready enough for all such enterprizes. dug the trenches for the foundation almost all round, and carried several This Mitchell miral, and that many of their men in the fleet were dead.

to the island, the most considerable strength both of ships and arms being in the Charles of London, captain Robert Maunders commander, about men to get to Jamaica how they could; who at length arrived, with this ill news and worfe fuccefs, in a fmall boat, and charged captain Mauntwenty leagues from Campeche; that they had 1500 men in the town to oppose their landing, and had unrigged all the ships in the harbour, another to leeward, to give advice that no ships might come thither, and fet watches along the fea coafts, to give intelligence of their approach: which news feemed very ill, and put the country in doubt of the fafety of the fleet, the miscarriage of which would have been of ill consequence there; and, to add to this ill news, the next morning, being Sunday, March the first, arrives colonel Barry in a floop from Tortudo, who had been fent fourteen weeks before, to reduce Tortudo, which was under the French which colonel Barry feeing, defired captain Maunders to fire at them, Maunders fets colonel Barry and his men afhore at Corydon, on Hifpaniola, and goes away about his merchandize, and leaves the colonel and his that they might not carry them away, and had hauled them on shore, landed their guns on batteries; had fent one ship to windward and government, to the English, and of which colonel Barry was to be gobut he refused, though he had received a commission and instructions by vernor; but, when they arrived there, the French flood on their his own defire to that effect; fo the defign being overthrown, ders with the mifcarriage of the whole bufinefs.

fore the night of this day, came a report that a ketch, which parted here with the fleet, was arrived in Macary-Bay, in Jamaica, one Mumford mafter, who related, that, on the thirtieth of January, (the fame day colonel Barry was defeated at Tortudo), our fleet took the town of Campeche with twenty fail of ships, which proved true; for, on Monday, The return of the fleet was niencies, the fort went not forward; but about twenty-fifth of March the workmen that were there were put off, till more recruits of men and This twenty-four hours afforded variety of confiderable news; for, bemuch defired, as well for the booty, as that, for want of men and conve-March second, arrived lieutenant Hoy from on board the faid veffel, and ter, who related, that, on the thirtieth of January, gave the relation of all that had happened. materials could be provided. On the thirty-first of March his majesty's ship, the Greatguest, captain Bernard commander, arrived from London, and brought fix Jews (with a

them in the Spaniards government, but difufed, for fear it might bring a place to weakly manned as Jamaica was in the Spaniards by fir John Davidson, who sent with them Mr. Watson, a German, that rich cargo), who pretended they came to discover a gold mine, known to ate themfelves into the country for the fake of trade, and was managed time: But this was barely a pretence, for their defign was only to infinuenemies on

ludge of the Spaniards about fifty or fixty killed, many taken prifoners, who were releafed at the coming away of the fleet. of the council, whose death, though not much lamented by many in particular, yet was a very great lofs to the island, he being a discreet man in all assairs, and of a public spirit, who had very well settled and modelled the privateers, the laws, and many other things beneficial to the place. On Monday, April thirteenth, the Centurion arrived from Campeche, and foon after the rest of the sleet, but straggling, because coming from leeward every one made the best of his way. By them came the particular relation of this expedition, which was, that the town itself was as it were a castile, being a continued parcel of strong built stone houses, slat at top, and very beautiful; in it were three good forts, all which were taken, and much demolished, part of the town burnt, and about four-teen fail of great and fmall veffels taken, with much goods of many forts: men killed, and one taken pritoner, who was carried to Merida, where he was only examined, civilly treated, and fent back to his companions; This ship also brought carriages for the guns, plank and other necef-ries for the fort. Soon after the arrival of this ship, one of the great the admiralty and common pleas, chief justice of the illand, and one great gun in three feveral places, and on the whole about thirty English-In this attempt at the fecond fort, captain Miners was wounded from Fights of the island went down, colonel William Mitchell, who was of the admiralty and common place of the dominants and common place of the admiralty and common place.

APRIL 24. - About this time there was a report made by a Portugueze, defigned for this island, which the Spaniard told to the deputy-governor; but, upon examination, the Portugueze denied it: however, a shallop was sent to Carthagena, to make discovery; and, on the ninth of May, the returned with report, that she saw thirty-five sail of galleons and other ships in the harbour; which put the island into such an alarm, that Sunday the tenth, all went to work to fill up the platform and mount guns on to a Spaniard that was here, that there was a great fleet at Carthagena, the fort, but it proved nothing.

Terror

JUNE 9 .- Captain Barnard Sperdick failed for Oroonoque with an intent to take St. Thomas's.

ing been to look for Prince Maurice; and, on the first July, he went away for England, and a little before this the Centurion and Guiff failed for Captain Fernes arrived on the twenty-ninth in the Bryan frigate, hav-

JULY 13.-Captain Burroughs the fleward-general died.

August 4.—In the Friendship, captain Wigget masser, came a letter from the king, commanding all acts of hostility against the Spaniards should cease; and, accordingly, on the tenth, by beat of drum, a cestaparticularly, on the nineteenth of October, captain Cooper brought tion was proclaimed. Neverthelefs, the privateers brought in their prizes, in the rich quickfilver prize.

Bola, and cut him to pieces, elfe all things were quiet in the country; and, about the beginning of December, writs were iffued out for the choofing the first affembly that was ever called in the island, which affembly adjourned till the feventeenth of May, at Port-Royal. This affembly was very unanimous, and parted with all kindness and feasting, having On the first day of November the out-lying negroes met with Juan de met at St. Jago on the twentieth January, and choic Mr. Robert Freeman their speaker, where they sat till the twelfth of February, and then made a body of laws as good as could be expected from fuch young

endeavour the reducing of fome out-lying Spanish negroes, which still did mischief in the country; and the fixth March he returned, and brought one of them in with him to treat for the rest. Also the same day arrived the fluips from Oroonoque, having taken and plundered the About the beginning of March, captain Colebeck was fent by fea to town of St. Thoma, the chief place in that river.

According MAY 7, 1664. -Sir Charles Lyttleton the deputy-governor, with feveral others failed for England in the St. John's Head, captain Ogle commander, and left colonel Lynch prefident of the council, and commander-inchief, there being a little before this time news that fir Thomas Modybrd was coming governor of Jamaica.

According to adjournment, the feventeenth May the affembly met at Port-Royal, and began to confider of fome things; but, on the eighteenth in the evening, we had notice that his majefty's flup the Westergate was on the coast of the island.

was lieutenant-governor to fir Thomas Modyford; who, as foon as he came afnore, took the government into his hands, and diffolved the affem-With him arrived the Swallow ketch of the king's, and the first of June came the Bleffing, James Gilbert maffer, who brought four hundred people from Barbadoes; and, on the fourth of June, the governor, fir Thomas Modyford, arrived in the Marmaduke, captain Stokes commander; and in this ship came about two hundred people. So foon as mation to be publicly made, that for the future all acts of hofility against the Spaniards should cease from that time; and the thirtieth Mr. Pugh was fent in the Swallow ketch, captain Enfon commander, to Carthagena, to acquaint the governor of the arrival of fir Thomas Modyford, and That ship arrived on the nineteenth, and in her colonel Morgan, who all the gentlemen that came to wait on him about the country, and in what manner the fettlement thereof went on, then called his council, and began to fettle affairs with all expedition, but waved the calling an he was arrived, he caufed his commission to be publicly read; discourfed ailembly for feveral months; and, on the fixteenth, he caufed a proclaof the proclamation he had iffued out for the ceafing of all hostilities.

England, and the Griffin for Barbadoes, with the major-general J. Modyford, and feveral gentlemen in her, to fetch the lady Modyford and JULY 27.-The Westergate and Swallow ketch were sent away for Notwithstanding the proclamation, there were feveral prizes the general's family. The Swallow ketch, after five months hardfhips, returned again to Port-Royal, but the other two were never heard of afbrought in, but fome of them were returned to the Spaniards.

Samuel Long was chosen clerk. This feemed to be contrived, so that he might find faults with the patentees, against whom he designed a total exterpation of their authority; for he had already (because major Povey. affembly to meet on the cleventh October following, which accordingly they did, and fir Thomas Whetstone was chosen speaker, more by the desire or

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cil, and therefore, on the twenty-fourth in the morning, fent him his legal or not, and voted in the negative; which Beeston seeing, went immediately to the bar, thanked the speaker and the house for freeing him from that trouble and charge, and took leave; but the speaker told him he was mistaken, the assembly did not mean him but Loveing, and that home, but was fent for again as legally elected, yet he refused, and for his refusal, the eighteenth of October, the speaker fent his warrant, by fon he went: but on the twentieth, it was so ordered, that fir Thomas Corker being elected in the room of Loveing, bufinefs went on but like bells rung by boys, all juring, and every day caufed more ill blood; for every one faw what was defigned, and that the speaker was taught what he should say and do, and the general took this advantage of colonel Lynch, and said, since he acted as provost-marshal, and went to setch general, who was a justice of the peace there, against whom there was had the provoft-marshal's patent) one of the council and chief-justice of the island, as it seemed on purpose to find something against him; for first major Man was threatened for making undue returns, and many re-flections were used by the speaker against the election of Port-Royal, which obstructed all things, so that business went not forward; for, when tions were allowed or voted undue, nothing should go on, so that at last it was after two or three days put to the vote, and unwittingly, not order of the house, to commit him without bail or mainprize; so to pri-Lynch, being on the bench with the general, was ordered, as provoft-marfhal, to go to Port-Royal and fetch Beefton before the governor and that he was duly elected and mutt return to his feat, which he did; and, Bectton, he was not fit for chief-justice, nor to fit with him in the counwho was fecretary of the island, was gone off before his arrival) taken It was faid one Orchard should have been in whether Loveing's election only, but the election at Port-Royal, were council, which he did; where, when Beefton came, he had a reprimand for being obstinate, and hindering the business of the country, and told away his office, and given it to the lieutenant-general's fon; he also diprefently complaints for an undue election and return, there being Beef. place of Loveing, and whether major Man in that cafe was not particular or not, I will not determine, but he also made colonel Lynch (who any thing was moved, Becilon always flood up, and faid that, till the eleche must return to his feat; and accordingly entered the vote in the journal. contrary to the express words of it. Nevertheless, Beeston went rected the writs of election for Port-Royal to major Man, the furveyorton and Loveing returned.

quirtus from all his honours; and for major Man, he fo divided his em. ployment, that it was rendered of no value; the which, as fome thought, affembly, with parties, great heats, and ill humours, went on, and by the twelfth November had ended what was thought fitting, and then broke up and adjourned to the feeond Tuefday in March. But, to make amends for their jangling, and to cement the rents which had been made, it was killed by major Joy, who was of the council, and had always been his friend, but the drink and other men's quarrels made them fall out. This adjournment of the affembly was only to make the people think they would be frequently called, but it was only by degrees to be quite rid of met, they were the Thursday following, without doing any thing, adner, till the plenty of wine made the old wounds appear, which were never conflict, honeft captain Rutter, a worthy gentleman of the affembly, was them; for when the fecond Tuefday in March came, and the affembly thought fit and refolved that they, by confent and a general purfe, should that day treat the governor and council with a dinner, and accordingly stewards were appointed, and a splendid dinner provided, with wine and music, and what elfe might make it great. This held well till after dinwell closed; for then all went together by the ears, and in this unlucky fembly, alfo, Mr. Long, the clerk of it, who had been in friendship with those of the former government, was, the third of November, for what cause not remembered, taken out of the affembly by the governor's war-In this afrant, and clapped in gaol, and there continued some time after the affemhortened his life, for he died the eighteenth of November, which foon after the affembly arofe. But thefe things being fo far over, time met again in all fir Thomas Modyford's government. bly was adjourned. The twenty-third, notwithstanding the proclamation, captain Morris Major Man being dead, on the twenty-eighth November, Mr. Byndlofs Williams brought in a great prize with logwood, indigo, and filver, and feveral privateers went out, and Bernard Nicholas brought in a prize. manded in chief; and, about the beginning of December, most or all that had been of the late assembly were made justices of the peace. had a commission for major of Port-Royal, and, there lived and

DECEMBER 4.—About this day appeared first the comet which was the forerunner of the blaffing of the cocoa trees, and after which time they generally failed in Jamaica, Cuba, and Hifpaniola.

About

Jamaica, turned pirate, and took the English merchant ships bound thither; after whom captain Enfom, in the Swallow ketch, was fent out, who met with him, fought him, killed many, and took the reft of his men, being About the twenty-first, captain Munroe, who had a commission from thirteen, who were brought by him to Jamaica, and there condemned

FEBRUARY 7, 1665.—The royal company's factors first came to Jamaica, to fettle their negro trade there.

çoa, and, in order thereto, an embargo was laid on all vessels not bound to Europe; and, about the twenty-fixth March, fome of the thips, being went before, but lieutenant-general Morgan failed not himfelf till the eighteenth day of April. At this time came the fhips from Carthagena for negroes, and were furnished by the royal company upon a contract These ships were the Santa Cruz, captain Nicholas Redwigon, and the St. Fortunata, captain Pedro D'Orioste, both which carried about eight about five fail, (and the delign commanded by lieutenant-general Mor-At this time came the thips from Carthagena made in Spain, which fir Thomas Modytord not liking, foon after broke. About the feventeenth, the defign was framed for the taking of Curagan) failed from Port-Royal, but in the end took only Euflatia and Saba. in one of which lieutenant-general Morgan died, and the ships returned with a lofing voyage, the men mutinying after his death. hundred negroes. August 20.-Captain Fackman and others arrived from the taking of the towns of Tobascoe and Villa de Moos, in the bay of Mexico, and claimed, yet the privateers went out and in, as if there had been an acalthough there had been peace with the Spaniards not long fince tual war without commiffion. But, about the tenth November, many of the privateers being gotten find them out before they fell on the town, and to divert them, for that he had received orders and a proclamation from the king to keep peace with the Spaniards; but Beefton, having been in fearch of them about fix weeks, and not finding them, returned: However, in the mean time, they the governor doubting it might be of ill confequence, fent colonel Beeflogether, with an intent to fall on the town of St. Spiritus in Cuba, and with three or four of the privateers ships that were then in port,

what was defired by the generality, as well the government as privateers; for, on the 27th February, 1665, fir Thomas Modyford caufed a war against the Spaniards to be folemuly proclaimed by beat of drum and proclamation at Port-Royal; the caufes and reafons mentioned in the proconclude fully on it) was for them to go against Curraçoa, we having then war with the Dutch; but these parcel of privateers and ships were commanded by Manfell, and he cared for dealing with no enemy but the Spaniards, nor would go against Curraçoa, neither were any of them taken any notice of for continually plundering the Spaniards, it being clamation I have forgotten, but possibly may be seen in his papers or the fail under other commiffions against them, for at this time were many the defign fir Thomas Modyford would have put them upon (and to which end he fent Beeston as a commissioner to treat with them, and to About the beginning of this month, Providence was taken by captain Manfell and major Smith, and a finall party fent with him, and he was left with about thirty-two men to command it, who not long after loft it again to the Spaniards. From this month I was absent from the island in England about one year, so know not the particulars of what council book; but forthwith commiffions were given out to all the pri-The proclamation from the king was, that, fince there was peace with the Spaniards, none of his fubjects should was done then, but I think there was nothing confiderable that year. Portugal commissions, and copies by which the privateers failed. took the town and plundered it.

and brought a commission to be governor of Providence, and was also made by fir Thomas Modysord lieutenant-general of Jamaica, captain of JULY 15, 1667.-This day fir James Modyford arrived from England, the fort, and governor of Port-Royal; and at this time the private men of war went in and out, and brought in prizes frequently. MAY, 1668. - About this time the privacers gatheredtogether, under the command of general Morgan, and on the first of July attempted Porto-Bello, which they took, and in it much plunder, which they brought to Jamaica about the feventeenth of August. The Oxford frigate arrived from England October siteenth, sent by the king to countenance the by the king to the governor, and whom he thought good to be partners with for fome years, they finding war with the Spaniards, and vichuals, wear and tear.

December

unknown accident, the ship blew up at once, and killed two hundred and sifty men: Admiral Morgan and those captains that fat on that fide failed from Port-Royal towards the rendezvous which were appointed at the 1sle de Vache, where the ships all met, and admiral Morgan was to DECEMBER 10.-About the beginning of this month, captain Edward Collier was made commander of the Oxford, and about the tenth fhe There they feized a very fine French frigate, commanded by monfieur Vivien, and him they fent prisoner to Port-Royal, and on the second of January the captains all met on board the Oxford, and there refolved to attempt Carthagena; but, whilf they were at dinner, by fome refolved to attempt the thin blew in at once, and killed two hundred the table he did were faved, but those captains on the other fide all killed, and this accident faved the attempt on Carthagena. command.

FEBRUARY 7, 1669.—Arrived the Ifabella of Briftol, which brought that therefore the governor, fir Thomas Modyford, was to be fent for to news that the taking of Porto-Bello was not fatisfactory in England, and

About the twenty-third the Satisfaction (the ship taken from captain a body to the windward after the Oxford was blown up, but whither we Vivien) was fitted out to go to the privateers, but they had been gone in

MAY 17.-But this day they all arrived, having taken Grenada and Maracaiba, and burnt the Spanish men of war that were fent after them, and brought about thirty thousand pounds value.

thelefs the privateers kept on, and went in an out, but not with com-TUNE 14.-Peace was publicly proclaimed with the Spaniards; nevermiffions. JULY 2, 1670.-In the morning war was again folemnly proclaimed Port-Royal by beat of drum against the Spaniards.

fourteenth the whole fleet failed from the Cays on the defign of Panama. AUGUST 12 .- About this time the privateers began again to fit out in a body. Admiral Morgan commanded in the Satisfaction frigate, and the

OCTOBER 19 .- Arrived the ships that had taken Grenada, who were Prince, Harris, and Ludbury.

MARCH

MARCH 12, 1671. - Major-general Bamilter arrived with care of the people from Surinam.

brought news they had taken Providence, Caga Cafile, and Panama, but On the twenty-feventh arrived a fmall veffel from the fleet, which loft the Satisfaction frigate. MAY 11. - Arrived a wessel with Spaniards from St. Domingo, who came to bring advice of the peace made by fir William Godolphin and -Arrived fir Thomas Lynch in the Affiftance, fent governor by his majefty, and with infructions to fend home fir Thomas Modyford.

provide to fail for Carthagena, and in them major Beefton and captain Reids, to carry the articles of peace, &c. and to bring away the English prifoners. JULY 6.—Sir Thomas Lynch ordered the men of war to

the latitude of fifteen, and the twentieth was buried in the fea with great On the fixteenth thefe thips failed, but the commander, captain Hubbart, fell fick that morning, and died the nineteenth in the afternoon, in folemnity.

days fettled all things accordingly as the governor had directed, and received the prisoners, they failed from thence the thirtieth July, and went ashore, and were received with great respect; and having in a sew On the twenty-third they arrived at Carthagena, and the twenty-fourth the feventh August arrived at Port-Royal. AUGUST 12.—Sir Thomas Lynch confined Sir Thomas Modyford aboard the Affiltance, in order to the fending him to England, out of which ship he was removed aboard captain Knapman, with whom the twentyfecond he failed for England.

get provisions, with whom went doctor William Dunn, physician to the Lings of England and France, who died aboard the thirteenth, and on the DECEMBER 8.—Sir Thomas Lynch turned out captain Wilgress from his command of the Affiftance, and the tenth gave a commiffion to maor Beefton to command her, and the fixteenth she failed for Trinidad to

fourteenth was buried in the fea, and the twenty-fecond the Affiffance arrived again at Port-Royal.

vateers (which belonged formerly to the Spaniards) without any charge; therefore the eighteenth of March the Affitance again returned to Portvision for their money, nor would he'let them come into St. Jago, though the captain brought and delivered him a ship he took from the priof Cuba after privateers and pirates, by the defire of the governor of St. Jago; yet when the came there, he would not fuffer them to have pro-IANUARY 31, 1672.—The Affiftance failed again to the South

APRIL 6.—Sir Thomas Lynch fent admiral Morgan for England in the Welcome, who failed this day. On the eleventh, the governor fent the Affiftance to Hifpaniola to look for privateers, and thence to the Havannah to fetch away the prifoners, from whence the returned the fifteenth of June. JULY 10.—The governor having ordered the Welcome for England, the failed this day from Jamaica. From this time I was in England one year, so know not what was done, but believe there was an affembly in that time, the particulars of which, and what elfe paffed in that year, your excellency knows better than I do.

from England, to flay fome time in Jamaica, for the fervice of the island, JULY 21, 1673.—This day the Portland, captain Canning commander, and the Thomas and Francis, captain Gollop commander, arrived there being now war with Holland.

OCTOBER 6.—Captain Canning brought in the logwood prize, afterwards called the Thomas. FEBRUARY 17, 1673.—There was an affembly, where Samuel Long, equire, was ipeaker.

Dame Sufanna, a Dutch ship he had taken near Curraçoa, with about fix MARCH 4.—Captain Gollop in the Thomas and Frances brought in the hundred negroes, &c.

agono han ce

MAY 5, 1674. - The Portland, captain Canning, failed for England, and in her the lady Lynch, alfo the St. Thomas, captain Clark commander, and in her major-general Modyford, &c.

June 6.-Captain Kent arrived from London, with news that the lord Morgan lieutenant-go-Vaughan was coming governor, and fir Henry

IVLY 1.—Captain Gollop failed for England, fo that now we had no man of war left in Jamaica. DECEMBER 2.—Mr. Burford was tried and condemned, who, a little time before had killed major-general Banifter, and for which he was a fhort time after hanged. MARCH 5, 1675.—Sir Henry Morgan arrived Heutenant-governor, having been cast away in captain Knapman's ship at the Isle de Vacca. On the fixth his commissions for lieutenant-general and lieutenantgovernor were read at Port-Royal.

The feventh the council fat at St. Jago, and then Sir Thomas Lynch refigned the government to fir Henry Morgan.

On the fourteenth lord Vaughan arrived in the Forefight, captain Da-Lin commander, at eight o'clock at night. In the morning of the fifteenth he was fworn governor, and then the council was alfo fworn, and he took the government upon him, in the afternoon his commission was publicly read.

APRIL 2, 1675.—Sir Henry Morgan, colonel Byndlofs, and Beefton, were made commissioners of the admiralty.

On the third the privateers were indemnified by proclamation for all depredations heretotore committed against the Spaniards. The twenty-fixth the affembly met, captain Long, speaker, being the brit affembly called by the lord Vaughan; this affembly made forty-five achs, and then were prorogued to the thirtcenth December following, but diffolved before that time. MAY 24. - Sir Thomas Lynch failed from Jamaica in the St. Thomas, captain Knapman commander, and with him captain Molefworth.

Brayn; after which they went to Barbadoes, and returned September JUNE 11.-The Forefight failed for the Havanna, and in her captain twentieth, having done nothing. SEPTEMBER I.—Arrived feveral families from Surinam, about forty families in one ship, and the eighth arrived the American, captain Paxton commander, and the Hercules, captain Broad commander, from thence, with about eleven hundred people, and Mr. Cranfield, who had been fent to Surinam by the king, to bring the English from that colony. APRIL 12, 1676.—The Forefight, captain Davis commander, failed for England, and left no man of war on the island but one.

times things came in by flealth, nor was there any things of confiderable note happened, there being peace with all people, and the island quiet England. During all this time there was no public commissions given against the Spaniards, nor privateering publicly countenanced, but many JUNE 23.-The Phoenix, captain Wright commander, arrived from

June, twelve acts were passed, and now before they were distolved eight, lord, &c. was committed to prifon, and on the twenty-third of June the affembly adjourned to the twenty-third of July, in which time Brown happened to bring in the negroes by a French commission, as he faid, but was affembly endeavouring to bring to another trial before the chief-justice, as he had petitioned, were for to doing diffolved in hafte by my lord, the twenty-fixth of July. But in this feffion before that adjournment, in In March, the begining of 1677, writs were again iffued out for an affer-bly to meet the ninth of April afterwards; and accordingly the affembly This affembly continued by thort adjournments to the twenty-third of June, in which time happened the bufinefs of Mr. Martyn, who for his behaviour to my feized with his negroes, and he condemned to be hanged; whom met, and lieutenant-colonel Beefton was chosen speaker.

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Now colonel Long is dead, I know not how you will have the true particulars of all this unlefs of Mr. Bernard. in all twenty.

JUNE 28.-The Phœnix, captain Wright commander, failed for Eng-

wood from London, who brought the news the earl of Carlifle was coming JULY 26.-The fame day the affembly was diffolved, arrived one Fulgovernor to Jamaica.

affembly to meet on the fixth of September following, becaufe the laft JULY 27.-The council fat, and new writs were issued out for an had not perfected the body of laws.

and furnished him with necessaries, and sent him home the fixteenth of August.-About this time the bifliop of Panama was brought to Old Harbour by the privateers, whom the lord Vaughan got from them,

SEPTEMBER 6.—Accordingly the affembly met, and lieutenant-colonel Beeston was again chosen speaker. This affembly finished all that was left undone in the acts by the laft; and on the twenty-fixth arrived Mr. Chambers from London, with certain news that the earl of Carlille was coming governor. SEPTEMBER 28.—The laws being all finished, the governor figned them all, except some few of little use, and the act for the revenue, and then distolved the assembly, leaving the island, fir Henry Morgan his fucceffor, and the lord Carlifle, without any revenue.

November 13.—By beat of drum it was proclaimed, that trade with the Spaniards for negroes or any other goods was free and open for every MARCH 14, 1678 .- The lord Vaughan went for England in captain Nurse's ship, and left the command of the island in the hands of fir Henry Morgan, lieutenant-governor, who on that afternoon published an order for all officers, civil and military, to continue as they were till further order, and so he kept them without altering any commissions. MARCE

badoes, that there was fuch apprehention of war with France, that all the windward islands fortified themselves, and put themselves in a posat Port-Royal, and guards to be kept in most convenient places in the island, and the council to meet.—April third the council met, and then ture of defence; on which fir Henry ordered the guards to be doubled a council of war was ordered to meet the fifth inftant of the field officers, to confider of the prefent condition of the island, and to put it into a MARCH 28.—Came news by captain Mofely, who arrived from Barposture to be defended. APRIL 5.—Accordingly, the council of war met, where it was concluded that on the tenth instant the civil and common law should be laid by, and the articles of war be in force twenty days, and the illand in a military posture, and that in that time all possible industry should be weed to fortify all parts of the island; for the doing of which every tenth bour on the public works; and accordingly the tenth day it was put in negro in the country, and every fourth negro at Port-Royal, were to laexecution, and every one applied themselves heartily to their business.

and brought proclaimed, and that therefore, when he came away, the earl of Carlifle APRIL 13.—Captain Mingham arrived from London, and brou-certain news there would be war with France, but that it was not was ordered to fail in fourteen days. APRIL 15.-We began the lines with stone work on the east fide of fort St. James, and finished it by the twenty-third in the evening.

APRIL 24.—The lines of stone work was begun at the prison, and quite finished by the second of May in the morning.

met again, and because there was yet no certain account of the war with APRIL 25.- The council of war, by order of the lieutenant-general, vigoroully, and were in a good method and prospect of being finished, therefore they voted, that the military authority should continue to the France, nor of the French fleet, and that our fortifications went on very twentieth of June next. APRIL 28.—At this time the negroes mutinied, and killed Mrs Duck and feveral others this day. MAY 1.-We began the lines against the sea by the breast-work, which in a fhort time was finished and the guns mounted.

us the French fleet, under the command of count D'Estrees sailed from MAY 10. - Arrived one Mr. Hamlin from St. Christopher's, who told the islands the twenty-feventh of April, and stood away fouth west, by which we gueffed they were gone on the coaft of the Main.

does, where they told him there was certainly war with France, and the MAY 22.-Mr. Penroy arrived from Guinea, who had flopt at Barbatwenty-fourth captain Woodfins came round then, who confirmed the fame news, though afterwards it proved falle. MAY 29.—Being the king's birth-day, and all the flags abroad upon all the forts, the great flag on Fort Charles blew down, which we doubted was ominous, being fo noted a day, and on the most noted fort, &c.

war, and two victuallers, were all cast away on the Isle dedicand in them to londer a cover what news, and what elfe she could of the French, on the first of brafs guns, and fix more of the best of the fleet, and three private ships of about four hundred men and three hundred and fifty brafs guns loft; and MAY 31.—The council fat, and embargoed all ships for fourteen days, the lieutenant-general having fent a floop to the coast of Hispaniola, to difune she returned, with news that count D'Estrees own ship of eighty-five from whence he was lately failed for the windward islands, and thence inthat D'Estrees, with the remainder of the fleet, had been at Petit Goaves, tended for France, which ended all our prefent fears of the French.

JUNE 6.- The embargo was taken off from the ships.

JULY 19.—The earl of Carlille arrived in the Jersey, captain Temple landed with the folemnity of the artillery from the forts and thips, and the commander, and with him the Hunter, captain Tolier commander, and the Carlifle, captain Swan, in whom came fir Francis Watfon, the majorand with whom came two companies of foot and many people, regiment drawn up to receive him, and prefently called the council, and was fworn governor, and then his commission was read in the old church, &c. and twenty great guns, and feveral barrels of powder and flores The fame morning the island, but no news of any war with France. general,

the evening the two companies of foot landed, which, by my lord's and thence to dinner; after which no more was done this day, only in orders, I quartered in the taverns till farther directions about them.

ready out of England, according to the conftitution of Ireland, which conflitution was defigned to be fet up here; and then they agreed write JULY 20 .- The council met again, and viewed the acts my lord brought Also this day a proclamation was iffued out for all officers, military and civil, to continue in their respective offices till farther order, which the earl did not alter in a long time, fo that all held their employments by my lord Vaughan's commissions, at least five months after my lord Carliste should go out for an assembly to meet the second of September next.

JULY 24.-They went all privately to town to fee their accommodations, which they did not like, AUGUST 1.—They went all from Port-Royal to live at St. Jago, being faluted as they went off with all the guns, and attended at Patiage Fort with all the gentry and three troops of horse, &c.

-The affembly met according to appointment, and lieutenant-colonel Beetton was chofen speaker, SEPTEMBER 2.

SEPTEMBER 13.—We had news of a general peace in Europe.

SEPTEMBER 15.—The Jersey arrived from Hispaniola, whither she had been fent to weigh the twenty guns, which were loft when captain Knapman was cast away; which guns, by the help of captain Clark, were weighed, and now brought in. During the session of this assembly, there weighed, and now brought in. During the festion of this assembly, there was nothing but offers made by my lord, and great pressing that we should pass the acts that were sent over, and to accept of that form of government; which was ftill modefily opposed, as being contrary to the government of England, of which country we were, &c. and defired to live under those laws; therefore my lord, seeing he could not prevail, and that there was now no revenue in the country, gave us leave to fettle the revenue for one year, which he figned, and then on the eleventh of October diffolved us. OLTOBER

OCTOBER 18 .- Arrived captain Spiure, who with one Nevil, about three months fince, and a hundred and fifty men, had taken Campeche, and with him he brought a prize; for all which he had his pardon, and leave to come in and fpend their plunder. NOVEMBER.—About the beginning of this month, my lord refolved to fend Mr. Atkinson to England, to negociate about the public affairs; who being in readines, and all his dispatches prepared, he sell sick on the fixteenth and died the twentieth of this month, and was buried at St. Jago the twenty-first. MAY 1, 1679.—The Jerfey failed for England, and in her fir Francis

JULY 9.—Count D'Estrees' sheet appeared before the harbour, fent four gentlemen ashore for leave to wood and water in Blue-Field's Bay, which being granted and a pilot, they failed away that evening.

martial law in execution till the tenth of August, which was immediately proclaimed: About this time writs were again issued out for an assembly the fame day a council of war, who laid by the civil law, and put TULY 12.- The earl of Carlifle called the council at Port-Royal, to meet the ninteenth of August.

Royal, for the continuing of the laws made in the two last two fessions of August 15.-An order of the king and council was published at Porttherein; and also a proclamation against the English cutting of any more my lord Vaughan's affembly, till his majefty's pleafure was further known or the Bay of Campeche. August 19.-The affembly met, and lieutenant-colonel Beefton was gain chosen speaker. AUGUST 20.-By letters to fir Thomas Modvford and others, it was reported the island was fold to the French, which much discouraged all August 22 .- My lord fent a committee, confifting of fome of the Quntil and fome of the affembly, to Port-Royal, to confider and report to him what more was fitting to be done for the fecurity of the place; for atthis time we were under great apprehention of the French, they having many thips and men in the Indies.

the order from the king and council about the Irish model, with directions to my lord, that it should again be offered to the assembly, and that, if they refused it, he should govern by the governor and council till farther Arrived captain Buckman from London, who brought AUGUST 26.-

Avovsr 27.-My lord communicated these orders to the affembly. Alfo this day, by proclamation, all the courts in this island were adjourned to the twenty-eighth February, except that of Port-Royal, which was kept open for ffrangers.

their commands, and also to gain time, in hopes that might breed some alteration, or at least give them leave to study the point, they made use of the present danger of the French, and made an act for the impost to The affembly, confidering that the circumftances they were under, of confirming or denying the Irifh confitution, and that at this time there were great apprehentions of the French attempting us; and being willing that the officers now at the council and affembly should be dispersed to their speaker, that his lordship would prorogue them for some time, that nefs; accordingly, on the twenty-ninth, his excellency figned the act for fix continue fix months; which they prefented to my lord, and defired, by months, and prorogued the affembly to the twenty-eighth of October next. they might take care to fecure the island, and confider of this great

And the same day a council of war was held at St. Jago, to settle the army in cafe of an attack, in known orders, rendezvous, and posts.

Petit Goaves, but their defign not known; therefore this day martial law from some French, that the count de Bethune was with nine men of war and two fire ships, at Martinico, and was to join the count D'Estrees at SEPTEMBER 2.—Captain Clark returned (who had been fent on the coaft of Hifpaniola, to discover what he could of the French) and reported was again proclaimed to be in force all this month. SEPTEMBER 9.- We began to cut the graft without the breaft work at

Port-Royal, and fell to repairing and finishing what possible of the works

SEPTEMBER 22. -- Arrived the Success frigate, captain Tyte commander, from England, who fell fick and died the twenty-feventh, and then the command was given to his lieutenant, captain Johnson.

law should continue in force to the sifteenth day of October, becaufe the On the twenty-fixth a proclamation was again made, that the martial danger of the French was not off, nor the fortifications finished.

doubt finished as it now is, and a powder-house built in it; also, a little twenty-ninth the breaft-work was doubled with bricks, the rebefore this time, the hulk and flore-houses at Honduras were taken by the brought in by leave, provided they entered fairly and paid the cuftoms: Alfo much filver was brought in by the French, taken out of a Spanish privateers, and muchindigo, and other goods, cocoa, hides, &c. was now barque that had fished it out of a wreck at Ambrosia.

On the thirtieth the Hunter, captain Tosier, was fent out to find the wreck, and to fifth up the plate, but could not meet with it; for which my lord put the pilot (Paul Abney) in prifon.

the South Cays, to find the privateers who did not come in and enter, and OCTOBER 6.—The Success, captain Johnson commander, was fent to bring in the indigo, & c. and pay the cuitoms. On the eighth captain Cook's men brought in a barque with cocoa and hides, which they took from a Spaniard at Aruba, and landed all, publicly paying the cuftoms.

fould continue to the twenty-feventh instant, but that the justices should The fourteenth a proclamation was again made, that the martial law act in all things as ufual.

trade's report, and the other about the privateers itealing goods, and being The twenty-eighth, according to the prorogation, the affembly met again, where we had many preffures from my lord to país the laws, and made as many delays; at length, on the fourteenth of November, we prefented him two addresses, one in answer to the lords of the council of

Mowed to bring them into Jamaica, at the last of which he was much fembly alfo, an act was made for raifing thirteen hundred pounds to pay In this afthe charges on the fortifications at Port-Royal, and another to continue the impost to March second, 1680; but after many meetings of committees, and waiting on the governor, and many delays, at length the whole body of laws fent from England were by degrees voted againft. Notwithstanding, when my lord faw perfuasions would not do, he used concerned; the particulars I refer to the affembly's journal. threats to fend feveral to England.

in her fearch of the privateers, by the ignorance or mistake of captain And, on the first December, my lord fent for the astembly, and offered them an oath of his own invention, which he told them he expected they fhould take; but the fpeaker, to whom he offered it first, told him he had often taken the oaths of allegiance and fupremacy, and was ready which there was no authority; with him many refuted it, but fome few This day also came news that the Success was cast away at Cuba on all occasions to take them again; that he knew no other oaths imposed took it; and then my lord diffolved the affembly, but paffed the money on his majefty's fubjects by law, and therefore would not take this, Daniel, the pilot. JANUARY 21, 1680.—Captain Daniel was tried by a council of war, aboard the Hunter, (where lieutenant-colonel Beefton was prefident), for lofing the Success, where he was ordered to receive feven lathes aboard every commissioned ship, thrice, one day after another, &c. as by the particulars in the trial.

land in captain Clapp's ship, and ordered colonel Long to go home, and intended others, but forced none else; though he faid if colonel Beeston, APRIL 23.—About this time the earl of Carlifle refolved to go to Engwho was then defigned to go in captain Kapman, would not go, but only pretended, he would force him to go.

defired me to come to him as foon as I arrived in England; but, after being told by fomebody that I was not in earnest, on the 17th of May he pected I should go, and that he defired to speak with me about it; and fent the attorney-general to tell me what he heard, and to tell me he ex-And accordingly, on the twenty-fourth, he told me he was going, and this day, fearing colonel Long would not go, committed him.

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and the Hunter and many other ships in their company: My lord having been perfuaded by some that by his going home (which was without MAY 27.-In the morning, the Exchange, captain Clapp, failed; in her the earl of Carlifle, the countefs lady Catherine, and many others, order or leave) he might get the government fettled on him for his life, and the reversion on his fon Mr. Frederick, &c. but it did not fucceed And now the government returned again to fir Henry Morgan, as lieutenant-governor and lieutenant-general, &c.

passage of eight weeks, the first of September, we overtook the earl of Carlifle (who went from Jamaica fourteen weeks before) off Scilly, with his mafts all gone and miferably wrecked, with a weary passage and no provisions, to whom we presented such provisions and liquors as we had, JULY 6.- I came from Jamaica in captain Knapman, and, after

pleafe to advife in which, I will enlarge on them, but I guefs Mr. Bernard and many others in Jamaica may be helpful; and for the plants (unlefs the trees) there is yet little knowledge or experience of them, the best light you will have in them I believe may be from Mr. Boucher, what paffed here after our arrival is known to you; but perhaps not much material to the island history, more than the altering the government, the particulars in fir Henry Morgan's government there, these you can What passed after I came from Jamaica I have not the particulars, and not want: and, if in any of those particulars I have been too flort, if you I know not whether colonel Colebeck kept a journal in writing or no; if he did, it may be useful, else I know none that I can guefs at that I have not hinted, unlefs colonel Molefworth and colonel Bourden may have been fo curious. If any thing be wanting that I can fupply I shall be very ready and willing to do it. padied here after my lord Carlifle came home, till the government devolved on yourfelf; as also the particulars at length of all things in the fecond aftembly in my lord Carlifle's government; but I conceive the council books and the affembly's Journals will help much, and also that every one will give you copies of their notes, when they know you inend fuch a work.

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